



Marchope of Ruddie Merschell

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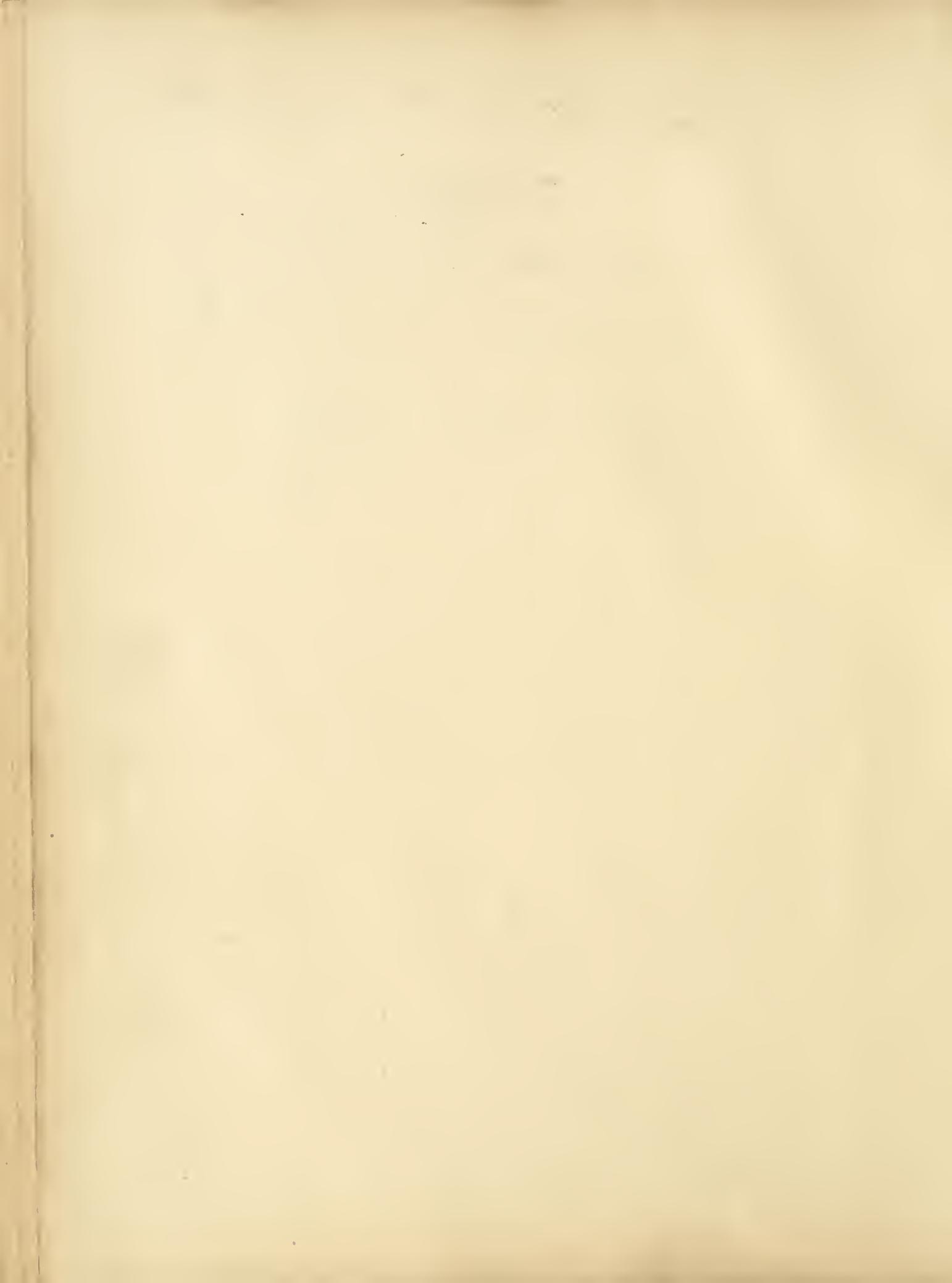


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WAUCHOPE OF NIDDRIE-MERSHELL.



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HISTORY AND GENEALOGY
OF THE
FAMILY OF WAUCHOPE

OF
NIDDRIE-MERSCHELL.

BY
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"WALLACE AND HIS TIMES,"
&c., &c..

EDINBURGH :
[PRINTED FOR PRIVATE CIRCULATION.]
M.D.CCC.LVIII.

JOHN LINDSAY, PRINTER, 39. SOUTH BRIDGE, EDINBURGH.



HT must be peculiarly interesting to a family of long standing to know all that can be accurately ascertained of their rise and progress—how many generations have passed away—and what part their ancestors acted in the great drama of life. In point of antiquity the WAUCHOPES of NIDDRIE-MERSCHELL perhaps stand amongst the highest in the district. In Mid-Lothian, at all events, there are few—as associated with their respective properties—that exceed them. Their contemporaries of the fourteenth, fifteenth, and sixteenth centuries have all disappeared. Even before the beginning of last century the following old families were extinct :*

“The Logans of Lochsterrick.

The Fairlies of Brede.

The Prestons of Craigmillar, quherof Whitelhill was a cadet, now both extinct.

The Herrings of Gilmerton.

Edmiston of Edmiston, tho’ Edmiston of Edmun be the stock. Both these places belonged to the same family, and it’s thought strange that they took the tittle of Edmiston, it being vassal to the superior of Musselburgh, as also Woolmet, &c., tho’ now

* MS. dated in 1700.

they have bought themselves free of that servitude, anno 1700. Woolmet of old was a cadet of Edmiston.

The Giffords of Sheriffhall.

The Lauders of Bass."

The Niddrie-Merschell family passed through the ordeal of those unhappy feuds and civil wars, by which many of the old race were swept away; and though they suffered considerably, both at home and abroad, yet their descendants *bruik* the same heritage in which their forefathers rejoiced five hundred years ago.

In drawing up the following narrative and genealogy, we have been almost solely indebted to the Niddrie charter-chest and the public records, so that whatever is stated rests on the best authority. It is to be regretted that, in consequence of more than one accident, many of the earlier family documents have been destroyed, so that little could be gleaned of the first two or three generations. Even the public records—from similar causes—are extremely scanty prior to the fifteenth century; still, from such facts as could be gathered, it will be found that the genealogy is very entire. Though the link of the chain cannot be connected, the Wauchopes—no doubt the same whom the Niddrie-Merschell family represent—are distinctly traceable in the reign of William the Lion, who ascended the throne in 1165.

August 1858.

HISTORICAL.

THE Mansion-House of Niddrie-Merschell stands in the vicinity of the ruins of Craigmillar Castle, in the parish of Libberton, and is distant about three and a quarter miles south-east of Edinburgh. The barony is not very extensive, but it is compactly situated, and the soil is fertile. In charters and other documents it is described as consisting of the "twa pairt and third pairt" lands of Niddrie-Merschell—these divisions having formed different possessions in remoter times. A small stream, having its source in the Pentland Hills, winds past the house, and contributes much to the beauty of the undulating grounds which form the park. It drives the mill of Niddrie, as well as those of Brunstain, and empties itself into the Forth, at the Magdalene Bridge, bounding the Regality of Musselburgh on the west.

Around the old Mansion-House, which stood on the rising ground east of the rivulet from the present, a hamlet had grown up, called the village of Niddrie. It occupied both sides of the stream, and the public road passed through it. It contained at one time three hundred families, three breweries, and fourteen houses which sold liquor.* This village has altogether disappeared, though some of the houses existed until a few years ago. The only hamlets now in the barony are the Mill-town and Whitehill, which latter is chiefly inhabited by colliers.

A chapel, called "Capella de Nudry-Merschale," stood on the north side of the rivulet, at the west end of the present Mansion. It was one of the two chapels which, besides the parish kirk, existed in the parish of Libberton in former times. It was dedicated to God and the Virgin Mary, "in honorem sancte crucis," and held of the Abbey of Holyrood. The clergyman who officiated on its foundation, in 1502, when Archibald Wauchop de Nudry-Merschale, with consent of

* Rev. Thomas Whyte's Account of the Parish of Libberton.

his spouse, Euphame Skowgale, made a mortification, “ad sustentationem unius capellani in divinis celebrantis, et in perpetuum celebratur ad magnum altare capelle,” was styled “Dominus Willielmus Werok,” and had a manse, an acre of ground for a glebe, the privilege of having two cows fed in the common pasture, and twelve merks paid him yearly, at the usual terms of Whitsunday and Martinmas, from the lands of Pylmuir, in the parish of Currie, which, with Ravelrig, at that time belonged to the barony of Niddry-Merschell.* “There was, in Catholick times, an organ loft in the chappel. Three priests lived in the village for serving it, one at the east end of it, one at the west, and one in the middle, just over against the House.”† The chapel was destroyed by a mob from Edinburgh, after they had demolished the royal chapel at Holyrood-house, in 1688. Nothing of it now remains save what is used as the burying-vault of the family. It is neatly enclosed, and secured by an iron gate. On a tomb inside, near where the great altar is supposed to have stood, there is the following inscription :—

“This tome ves biggit be Robert Vauchop of Nydrymarischal, and enteris heir, p.p., 1587.”‡

This Robert is said by Mr Whyte, in his Account of the Parish of Libberton, and repeated by Chalmers in his *Caledonia*, to have been the founder of the chapel, and they quote the date as 1387. The second figure is somewhat defaced, and might be taken for a 3; but circumstances lead us to the conclusion, after mature consideration, that it is a 5, and that the real date is 1587. In that year William Wauchope died, and was buried in the tomb. A large stone, placed horizontally above it, records the fact in the following terms : “Haer · lyes · ane · honorabil · man · William · Wauchop · of · Nidre · Merschil · quha · deceisit · ye · vi · day · of · Februar · 1587.” This William’s son and heir was *Robert*, who, it seems probable, built the tomb for the reception of his father’s remains, and as a place of sepulture for the family in time coming. The reading of the inscription we would therefore render thus : “This tomb was built by Robert Wauchope of Niddrie-Merschell, and interts here, p.p. 1587.” Not that he himself was interred there, but that he *inters* there. In other words, it is his, or his family’s place of burial. This is the most grammatical reading of the inscription.

* Great Seal Register. † MS. Notes, 1700.

‡ The tomh is a rude building, about 10 ft. hy 8 ft. 8 in., and 3 ft. deep. The inscription occupies a large slab—removable when required—set in the west end of the structure. The meaning of the letters “p.p.” before the date is rather a puzzle. We cannot hazard a satisfactory solution.

Notwithstanding, we would have had some difficulty in coming to the conclusion we have arrived at, but for other obvious reasons.

The style of the lettering, which is plain Roman, rather deeply cut, was not used for inscriptions in that age, except perhaps in Italy, France, and some other portions of the Continent—black-letter being the prevailing fashion. In England the Saxon character was used, as on the monument of Henry III. in Westminster Abbey, 1275-1291, and on Great Breakam Church, so late as 1341. The Roman form was not used in England, apart from the time of the Romans, before 1410-1420, when it occurs on St Michael's of Canterbury. From that period downwards the Roman and black-letter were used indiscriminately. We have no evidence of its occurring in Britain at an earlier period. In Scotland, the Roman form seems to have been preceded by the flory, a good specimen of which is to be seen in the Cowgate of Edinburgh. The inscription on the tomb of Provost Banatyne, in Corstorphine Church, dated 1470, is in black-letter.

But besides this negative evidence that the tomb was not built in 1387, we have the positive fact that the chapel itself was not then in existence, it being quite a mistake that *Robert* of that date was the founder. There is no charter of mortification earlier than the one already mentioned, by Archibald Wauchope, with consent of his spouse, Eufame Skowgal, in 1502. That document is printed at length in Whyte's Account of Liberton, and, strange enough, the author entirely overlooks its import. In the preamble it says: "Sciatis, nos quand. cartam fundationis factam per dilectum nostrum Archibaldum Wauchop de Nudry Merschale, cum consensu et assensu Euphamie Skowgale ejus sponsa, in laudem et honorem Dei omnipotentis, glorioisseme Virginis Marie, matris sue, Sancte Crucis, et omnium Sanctorum, de uno annuo redditu duodecim mercarum et de una terra et una crofta terre arabilis subscript. ad sustentationem unius Capellani in divina celebrantis, et in perpetuum celebraturis ad magnum altare capelle per ipsum Archibaldum, in honorem Sancte Crucis, infra villam suam et territorium de Nudry-Merschale, fundat. et situat. pro animabus in dicta carta specificatis," &c. And in the body we have it reiterated: "Nec non dare, concedere, et hac presenti carta mea confirmare, Deo, et Beate Marie Virgini, et Sancte Crucis omnibusque Sauctis Dei, et uni Capellano divina celebranti, et pro perpetuo celebraturo ad magnum altare per me construct. fundat. et edificat. in honore dicte Sancte Crucis Domini nostri Jhesu Christi, situat. infra villam meam et territorium de Nudry-Merschale," &c.

It is thus clear that the chapel was founded by Archibald in 1502.* There

* The charter is dated 2d February, 1502.

could be no chapel without a great altar, of which he was the undoubted founder; and as the tomb is built near where the great altar stood, there could have been no such tomb in 1387, when neither chapel nor altar existed.

After the Reformation, the chapel was united to the church of Libberton, and as the Laird of Niddrie was patron of the chapel, the family became joint patrons with the Crown of the Church of Libberton—a right, however, which has latterly been questioned.

The burying-place of the village was formerly close to the chapel, but, in 1685, it was removed to a short distance south-west of the old garden, where it is thoroughly enclosed, and seldom disturbed. Several head-stones, some of them neatly carved and inscribed, point out the resting-places of the tenantry, and other inhabitants of the old village of Niddrie. On making some excavations lately at the west end of the chapel vault, a number of bones were dug up, the remains, no doubt, of the former burying-ground.

It would be interesting to learn how the name of Niddrie came to be given to the lands. The word is evidently of the British form of the Celtic, and is sometimes spelled *Nidrof* and *Nidraif* in old documents. The historian of Libberton parish—the Rev. Mr Whyte—derives it from the Gaelic *Niadh* and *Ri*—which compound word would signify the King's Champion. Unlike that of Craigmillar, immediately adjacent, the name is not derived from any peculiar topographical feature; and there is an upright weather-worn stone, of large dimensions, in a field immediately west of Niddrie House, which in all likelihood marks the scene of some important conflict during the British period of our history. The etymology of the King's Champion might thus be supposed to receive some countenance; but there are other two Niddries within the bounds of the Lothians, so that to account for so many King's Champions is out of the question.

The addition of *Merschell*, *Marischal*, or *Marshal*, (we prefer the first and oldest spelling), to the name, we are told by Sir George Mackenzie, Nisbet, and others, arose from “the heads of this family of Wauchop of Niddrie [having been] hereditary Bailies to Keith Lords Marischal, and Marischal-Deputes in Mid-Lothian: from the Lords Marischal they had the lands of Niddry designed Niddry Marischal.” The Rev. Mr Whyte repeats this statement, with the verbal confirmation of Lord Hailes—no mean authority; but we must confess we have not met with anything like proof of the fact. No doubt Gilbert Wauchope of Niddrie repeatedly held the office of deputy-marshal in the reign of James V., but this is of too recent a date to have much weight. At the same time it seems to have been the traditional belief of the Wauchope family that such was the case.

In the M.S. notes, written by William Wauchope of Niddrie in 1700, the author says :—"It's thought by tradition that the name of Marshall added to the title of Niddrie, came from the familie having great power and possessions in the south borders (and among the rest the parish of Wauchop), and particularly their being Marshals in that country. Sir John Nisbet was of that opinion, and told me he had seen an old writ which signified as much." The writer believed that "Niddrie belonged always to the Wauchopes ; for no writ, evident, or tradition, can show that it ever belonged to any other name." This, however, is not the fact. In the reign of David II., Walter, the son of Augustin, burgess of Edinburgh, had a charter of the lands of Niddrie, in the county of Edinburgh, "quhilk John Bannatyne of Corroks resigned ;" and in the same reign, *Henry Nuddrie* had a charter from John Bannatyne, in Corrocks, of the three part lands of *Nudrie-Merschell*.* The same party had a charter of confirmation from David II. of some acres in Nudrie. Walter, son of Augustin, had another charter of the lands of Nudrie from David II., dated 19th Sept. 1363 ;† and *Henry of Nudre* had a charter of confirmation of his parts of the lands of Nudrie-Merschell, dated Edinburgh, 18th Oct., 1364.‡

Thus there had been a family, who assumed the name of *Nudrie*, in possession of at least a portion of the lands of Niddrie-Merschell prior, though only by a short period, to any notice of the Wauchopes in the charters of these lands—the first of which is to *Gilbert Wauchope* in the reign of Robert III. The rolls of our early charters, however, are very imperfect. It must be kept in mind, at the same time, that the demesne of Gilmerton was cultivated or farmed out by David I., both when Prince of Cumbria, and after his succession to the Scottish throne, and it remained in possession of the crown till the time of Robert the Bruce, so that no charters of these lands exist of an earlier date than his reign. Those to whom they were farmed, or by whom they were held, were called the King's tenants. For example, in August 1296, according to Prynne, Alan de Libertoun, and David de Libertoun, the *tenants of the King*, in Edinburghshire, swore fealty to Edward I. The first of the Wauchopes may therefore have come

* Robertson's Index.

† It may be said that this was not Niddrie-Merschell, but some of the other Niddries. The fact that it was resigned by John Bannatyne in Corrocks, who also resigns the lands to Henry Nuddrie, inclines us to think that the same Niddrie is meant—though perhaps it did not all go under the name of Niddrie-Merschell then as now.

‡ Robertson's Index. John Nudre had a charter of confirmation from Robert III. of the lands of East Quarter of Pentland Muire, the half lands of Ernecraig, in Pentland, and in the barony of Rosline, given by Henry, Earl of Orkney, in excambion with the place and yards of Kirk-Crawmond.

in upon this title.* It thus seems doubtful as to the origin of the addition of *Merschell* to the name—though it is extremely probable that, as in other instances, it was derived from the Keith Marischals in some way or other.

Wauchope is a local patronymic. There is a Wauchopdale in Roxburghshire, and a small stream called the Wauchope runs into the Rule. Wauchope is also the name of an ancient parish, river, and vale, in Dumfries-shire, which now forms part of the modern parish of Langholm. Chalmers describes it as pleonastic, derived from the Gaelic *uagh*, a den, and the Gothic *hope*, a short valley. Wauchope Castle, in Dumfries-shire, the ruins of which are still traceable, was the first home of the Lindsays in Scotland. Wauchope House, the “gudewife” of which corresponded with Burns, is also in that district; but the Wauchopes of Niddrie-Merschell, and all of the name, are known to have belonged originally to Roxburghshire.

It would be futile to hazard a guess as to whether the first of them came from Normandy with William the Conqueror, or from the *Dane-law* in England, during the reigns of Malcolm Caenmore or David I., or sprang from the old British race, by whom the independence of the kingdom of Strathclyde was so long maintained against numerous foes. The patronymic, at all events, appears to have been derived from the lands, as was that of the Douglases, of which powerful race the Wauchopes became vassals. Mackenzie, in his “Lives of Eminent Scotsmen,” says they “had their first rise in the reign of Malcolm Caenmore, about the year 1062,” and that they came from France. Of their antiquity there can be no doubt, but their advent with the Conqueror seems matter of conjecture. In the list of foreign settlers, during the reigns we have mentioned, the name does not appear. It used to be, and probably still is, fashionable to trace families from the Normans; but the truth is, the Scandinavians of Cumberland, Northumberland, Lincoln, and Yorkshire, from whence most of the feudal settlers in Scotland were drawn by Malcolm and David, were a kindred people, and quite as warlike and honourable. Nor were the ancestors of those of native origin less so. The great Randolph of the Brucian wars, according to Chalmers, was of Celtic and Border descent.

“They of the name of *Wauch*, by our old books of blazon,” says Nisbet, “carry the same with Wauchope, sometimes adding a *fess*;” and the writer of

* According to Nisbet, the Heriots were at one time proprietors of Niddrie-Merschell. John Heriot, who has a charter from Archibald, Earl of Douglas, of the lands of Trabroun, is styled “*filius et heres dilecti confederati nostri Jacobi de Heriot de Nidrie Marischel*.” This charter was confirmed by James I., 1443.

the ms. notes already referred to, was of opinion that "Wauchtoun, or Wauchop-toun, in E. Lothian, belonged to this family" [the Wauchopes]. This, however, is supported by no evidence. The earliest notice of these lands occurs in a charter by Robert II. to "William de Lindsay, of the lands of Drem, in the constabulary of Hadingtoun, vic. de Edinburgh, whilk pertained to Johana de Erth of Wauchtoun, and which William de Gourlay, her son and heir, resigned."*

The first we find of the patronymic of *Wauchope* is *Ada de Waleuhope*, who witnesses a charter by Symon de Lyndsay to the Abbey of Melrose,† in the reign of William the Lyon, who ascended the throne in 1165. *Dominus Ada de Waleuhope*, evidently the same person, also witnesses another charter to the Abbey in the same reign; and *Ada de Walchope* is witness to a charter in the succeeding reign of Alexander II. In this reign (8th Feb. 1247), Wauchope, as a locality, is thus mentioned in one of the Melrose documents—"Et eciam pas-turam ad octo boues et octo vacas in *Wauchop*." In 1389, Robert II. confirmed a charter of James, Earl of Douglas, to *Alexander de Walchope*, of the lands of *Walchope*, and to the heirs of his body; whom failing, to Sir Adam de Glen-donwin, who had married his daughter, and to his heirs.‡ Thus it is established that the Wauchopes were originally settled in Roxburghshire, and that they were vassals of the Douglases.

In the ms. notes, the author says—"In King James the 2d's time, this family was forfaulted by the means of the Douglases, who got the estates, and particularly Wauchopdale; from them the Maxwells, and from them the present possessor, the Dutchess of Buccleuch, so that when the family was reponed, it never got back Wauchopdale." Of this forfeiture we find no trace in the acts of James II.'s reign; and as the author, from a previous portion of the ms., evidently alludes to Wauchopdale in Dumfries-shire, the statement must be founded on a traditional misconception. Wauchopdale, in Dumfries-shire, belonged to the Lindsays, and the lands of Wauchope in Roxburghshire passed to the Glendonwins.

In the Ragman Rolls (1291-1296), various parties of the name of Wauchope appear. There is a *Robertus de Walghope*, belonging to Fife; a *Robertus de Walghope*, undesigned; and a *Thomas de Walghope*, "tenant le Eusque de Seint Andreu del Counte de Edeneburgh."

There was an old branch of the Wauchopes, who possessed the lands of Culter, in Aberdeenshire. According to a transumpt of a charter,§ in the charter

* Robertson's Index. † Cart. of Melrose. ‡ Douglas' Baronage.

§ A copy of this charter, published in Whyte's Account of Libberton parish, is amongst the Niddrie papers.

chest of Cumming of Culter, these lands were confirmed by Alexander II. to Robert Wauchop, son to Allan Wauchop—"nos dedisse concessisse et hac nostra charta confirmasse Roberto de Waluchop filio Alani de Waluchop pro homagio et servicio suo terram de Tulmacboy per has divasas," &c. This charter is dated 16th October, in the 33d year of his reign—1247. *Robertus de Walohop*, and *Dominus Robertus de Walichope*, who witness charters by Alexander Cumming, Earl of Buchan, to the Priory of St Andrews,* were probably one and the same person. The lands of Culter went with a daughter of Sir Adam Wauchop to Cummin of Inverlachie, "of whom," says Nisbet, "is lineally descended Cummin of Culter."

Mackenzie, in his "Lives of Eminent Scotsmen," derives the Wauchopes of Niddrie-Merschell from the Aberdeen branch, but neither he nor Nisbet offer any proof of the fact, although it is probable enough. Both the properties in the south and north passed by heirs female; but as these were the only known branches of the family,† they must have sprung from the one or the other; and are now unquestionably the chief of the name.

The difficulty of tracing the first of the *Wauchopes of Niddrie-Merschell* has been aggravated by the destruction of their more ancient muniments. "The family of Nidrie-Marshall," says the MS. notes, "was forfaulted in James the 2d's time, for making an inroad into England, so that by that means most of the old charters and evidents were lost." The estate was again forfeited in Queen Mary's time, the lairds, elder and younger, having espoused her cause; and the house was afterwards burned by their neighbours, who were at feud with them—"at which time a fatal blow was given to our charters. The few that were left were afterwards destroyed, when the English came to Scotland in Cromwell's time. They were closed up partly in a cellar, built up with stone and lime, which an old rug discovered, partly were carried to Dundee by my grandfather, Sir John, and after the town was taken by General Monk, were lost or destroyed. Sir John kept only bonds." In corroboration of this statement, it may be mentioned that there is a small bundle of charters and other documents in the charter chest at Niddrie House, which have evidently been recovered from the flames, most of them being partially burned and blackened, and otherwise injured. The oldest of these, in direct connection with the family, is a charter of the two merk lands of Gilmerton,

* The charters in the cartulary of the Priory of St Andrews are all dated prior to 1413.

† The Aberdeen Wauchopes were no doubt transplanted, like the Gordons, Frasers, Lindsays, &c., from the south.

from Patrick Hering, in favour of Archibald Wauchop of Niddrie-Merschell, and is dated 4th Feb. 1498.

As already stated, a family of the name of Nudrie appears to have preceded the Wauchopes in at least the three-part lands of Niddrie-Merschell—the date of their last charter of confirmation being 18th Oct. 1364. Yet the Wauchopes may have been contemporaneous in the “twa pairt lands.” The first to whom a charter appears is *Gilbert Wauchop*, who had a charter of “the lands of Niddery,” from Robert III., who began to reign in 1390. It is possible that he was not the first of the family in possession of lands in Niddrie. His immediate predecessors may have been King's or ecclesiastical tenants.* *Thomas Wauchope*, mentioned in the Ragman Rolls in 1296, for instance, is described as a holder from the Bishop of St Andrews, *in the county of Edinburgh*; and the idea might be still farther pushed. In “the Lawis of the Merchis betuix Scotland and England,” 1249, the name of *Robertus de Walewhope* occurs along with Henricus de Brade, Alanus de Newbigging, &c., parties evidently belonging to the county of Edinburgh. Thus the Robert of 1249 might have been the father of *Thomas* of 1296, and Thomas the father of *Gilbert* of 1390.†

The lands of Niddrie-Merschell consisted, as they do at the present time, of the two and third parts; but additions to the family inheritance continued to be made from time to time. Archibald, who stands third in the genealogical account, seems to have been pretty successful in this respect. He acquired the crown lands of Pilmuir, in Currie parish, about 1489; the two merk land of Gilmerton, in 1493; and the three husband lands, called Boggis lands, in 1503.‡ The acquisition of land was the ruling object in early times, and it frequently led to lasting feuds. On the 16th March 1490, David Hepburn of Waughtoune appeared before the Lords of Council, and “become lawborough” for himself and son that “Archibald Wauchope of Niddrie and his sone and apperand are salbe harmles and scathles of thaim,” and submit to the cause of law. The misunderstanding between the families sprang out of their rival claims to the “twa third parts” of

* It may be worth noticing here that the teinds of Niddrie were Bishop's teinds. By the erection of the See of Edinburgh, in 1633, part of the Bishop's patrimony was “Totas et integras parochias ecclesiasticas de Whitekirk, St Cuthbert's, Libertoun,” &c. There is a discharge by Mr James Aikenhead, factor to the Rev. Father in God, George, Bishop of Edinburgh, to Sir John Wauchope of Niddrie for teind tack duties, 1666, 67, 68, and 1669, dated 15th Nov. 1670. George Wisheart was consecrated Bishop of Edinburgh, 1st June 1662, and died 1671. Mr Aikenhead, who grants the discharge, was his factor.

† A Thomas Walchope had a charter from Robert II. “Carta Thomae de Walchope, de decem libris sterlinen. annuatim, per manus camerarij.” Methven, 4th Sept. 1378. This Thomas was most likely of the Aberdeen branch of the Wauchopes.

‡ Niddrie Charter Chest.

the lands of Houstoun, in Haddingtonshire. The Hepburns claimed the lands by assedation of "frere Alexander Blith," and the Wauchopes by that of "frere Thomas Dicksone." The Lords, on the 4th June 1491, decided that the lands should remain with "frere Alexander Blith," and that the Sheriff of Edinburgh should "red" the said lands of both claimants and their servants, and that the place should continue void "quhill the assumption day of our laidey nixt to cum, but prejudice of the rights of any of the parties."* The dispute must have ended favourably for Niddrie, for Gilbert, son and heir of Archibald, had sasine of the office-houses and part of Houstoun, in 1502.† Archibald, with consent of his spouse, Euphamie Skougal, founded the chapel of Niddrie, by a charter of mortification, in 1502.

Robert, the famous Archbishop of Armagh, must have been a younger son of this Laird of Niddrie.‡ He is said by Mackenzie to have been born in the reign of James IV., which continued from 1489 to 1514. "In all the records of the University of Paris," he adds, "where he was eight times procurator, he signs himself *Robertus Wauchop de Nidree Marischal*." He, however, leaves his precise parentage, and the year of his birth, unascertained. There are various documents in the Niddrie Charter Chest, however, which tend to show that he was a son of Archibald, founder of the chapel of Niddrie, who seems to have been a person of much piety.

Young Wauchop, who was defective in his vision almost to blindness, possessed extraordinary talents. After studying, probably under a tutor, at home, he was sent over by his parents to France, where he finished his course in the *Belles Lettres* and Philosophy. He then applied himself to theology, and, after several years, repaired to Rome, where he entered into holy orders. Returning to Paris, he there became distinguished by his varied accomplishments. His piety, however, led him to the almost exclusive study of divinity; and he attained to such proficiency in a knowledge of the Scriptures, the Fathers, and Councils, that in all public discussions he appeared with marked distinction. At length he was appointed Doctor of Divinity in the Paris University, in the quiet prosecution of which he had resolved to give up all business; but he was prevailed upon by the heads of the University to become their procurator, and in this station he acquitted himself so well, that he was eight times elected. He was also

* *Acta Auditorum.*

† *Niddrie Charter Chest.*

‡ This is not positively proved; but he could not well be the son of any other, and several documents in the Niddrie Charter Chest countenance the fact.

appointed “visitator” of all the Colleges, an extraordinary office, but which was deemed necessary, from the spread of the Reformed religion.

His abilities having attracted the notice of the Pope, he was called to Rome about the year 1535 by Paul III., who employed him as his legate to the Emperor of Germany and the King of France, in both of which commissions he exhibited the highest qualifications as an ambassador. Some time afterwards he was promoted to the Archbishopric of Armagh in Ireland. On proceeding there he found the natives in great ignorance, and he laboured with incredible pains for their instruction. Being ignorant of the Irish tongue himself, he employed an interpreter, and, travelling through his diocese, often preached four or five times a-week. The Pope finding it necessary, from the spread of a reforming spirit everywhere, to assemble a General Council, called him to Rome, that he might benefit by his advice. The wars and troubles in France had hindered such a convocation, but finding that the Emperor and the King of France were resolved to call one, for reforming the abuses complained of by Luther, the Pope anticipated them, by issuing a Bull for a general meeting at Trent, on the 15th March, 1544.

Our prelate attended the preliminary meeting of Theologues at Paris, where it was proposed to re-establish what is called the *Pragmatic Sanction*, but he opposed it, and no conclusion having been come to, they resolved to abide by the twenty-five articles of doctrine which had been agreed to at the *Sorbonne* two years before.

Archbishop Wauchope was present during the entire sitting of the Council of Trent, which continued till the year 1551 ; and not only took part in the proceedings, but wrote a full account of them. He barely outlived this harassing and exciting labour, as he died at Paris on his way home immediately afterwards. His death is thus recorded in *Balfour's Annals*, 1551 :—“At this same tyme, Robert Wauchope, archbis: of Armach, in Ireland, returns from Rome, and deyes at Paris, the 19 day of November, this same zeire.” Ware, in his “History of the Bishops of Armagh,” says “he died at Paris, in a convent of Jesuites, the tenth of November, 1551.” It is possible that the figure 9 in Balfour may be a misprint.

Mackenzie quotes numerous testimonies of the admiration in which the Archbishop was held. Lesly says, “such was his judgment in secular affairs, that few of his age came near him,” and in his capacity as legate, he acquitted “himself so well that every one admired his wit, judgment, and experience.”

Sir James Ware, speaking of him in a similar strain, and alluding, like

Lesly, to his having been born blind, says—"He was sent legate *a latere* from the Pope to Germany, from whence came the German proverb, "a blind legate to the sharp-sighted Germans."

Archbishop Spottiswood, though opposed to him in religion, speaks impartially of his virtue and learning : "and which almost exceedeth belief, being blind from his very birth, only by learning the lessons and conferences of learned men, he grew to such knowledge, as in the University of Paris, none of the Doctors was held more learned, nor had a more frequent auditory."

George Con, in his book, "De Duplici Statu Religionis apud Scotos," says, "Robert Wauchop, though he did not possess the use of his eyes, 'oculorum vsum,' yet he had such an excellent genius that, by his own merits, he acquired all that commonly contributes to the use or splendor of human life."

It would thus appear that the Archbishop was wholly blind. His writings, as given by Mackenzie, were—1. "De Legitimo Concilii Tridentini Consensu, Lib. I." 2. "Ejusdem Concilii Acta, Lib. I." 3. "De Autoritate Papæ, Lib. I." 4. "Collecta Canonum, Lib. I."

Gilbert, the successor of Archibald, seems to have added Whyterig, Wodflat, Overmosshouses, and Ladyland to the estate. The feuds, chiefly about lands, begun in his father's lifetime, ran high during his. He, and Gilbert his son, with others, were convicted of art and part in convocation of the lieges upon John Edmonstone of that Ilk, Aug. 30, 1529; and James Dundas of that Ilk became assurance for "Gilbert Wauchope of Niddrie Marschell, Thomas Wauchope, and thair kynne, freyndis, tenantis, &c., unto the ix day of May next to cum." (April 4, 1530.)*

In 1534, (3d Nov.) there was a mandate by Pope Paul III. to the provosts of the churches of Dunglas, Seton, and Dalkeith, to confirm, by apostolic authority, to Gilbert Wauchop of Nudry Marschell, the lands of Qulitinche and others granted to him by the Abbot of Holyrood.† This seems to have rekindled the feud

* Pitcairn's Criminal Trials.

† This document states in substance that a beloved son, Gilbert Wauchop of Niddry-Marschell, a laic, had shown to him, by petition, that formerly Robert the Abbot, and the Convent of the Monastery of the Holy Cross, near Edinburgh, of the order of St Augustin, of the said diocese (St Andrews,) being chapterly assembled, as use is, after having attentively consulted for the profit and utility of themselves, and of the said Monastery, and after a long treaty and mature deliberation, previously had, for the sum of one hundred pounds, Scots money, gratefully paid by the said Gilbert to the foresaid Abbot and Convent, and perhaps applied to the benefit of the said Monastery, as also for the improvement of policy in Scotland, and other national causes thereto moving, gave, granted, and in feu-farm or tack, demitted all and whole the four merk lands of Quhitinche, Wallaceflat, Furderief, now called Lamoshrum, in the town and territory of Furde, and harony of the said Abbot and Convent of Ahammer, otherwise called Quhitkirk, as also the lands called Schelisland and Abbots Croft, in East Fortoun, with tofts, crofts,

originating in the quarrel about the lands of Houstoun, for (Jan. 15, 1534-5) we find Sir Patriek Hepburne of Wauehtoune, knt., and thirty-four others, giving seeurity to underly the law for "umbesetting" the highway for the slaughter of Gilbert Wauchope of Nudry-Marsehell.*

In 1535, (28th April) James V. granted a letter of proteetion in favour of Gilbert Wauehope, his spouse, bairns, &c., in the following terms :—

"James, be the grace of God, King of Scottis, to all and sundry our liegis and subjectis quham it efferis quhais knowlege thir our lettres salcum greeting, vit ye ws to haue takin and be thir our lettres takkis our louitis Gilbert Wauehop of Nidry Mersehel and Jonet Ker his spous, thar bairns, men, tenentis, seruandis, familiaris, and all and sundry thar landis, rentis, possessiouns, takkis, steddingis, malingis, teyndis, houses, bigingis, myris, mossis, eoilheuchis, eastellis, touris, fortaliees, maner plaees, store places, granges, lesouris, pasturis, woddis, lowis,

houses, and buildings, and sundry pertinents thereof, which a noble man, Patrick Hepburn of Wauchton, a knight of the said diocese, some time possessed witbin the foresaid barony, constabulary of Haddington and Sheriffdom of Edinburgh, lawfully pertaining to the said Monastery, from which the foressaid Abbot and Convent formerly redeemed four merks Scots yearly to the said Gilbert and his heirs and assignees, to be holden and possessed by them in feu-farm for ever, by all the rights, meiths, &c., under the yearly duty or rent of eight merks Scots money, and twelve capons, in augmentation of the rental or annual rent of the said Monastery, in addition to the sum of four merks Scots, with the twelve capons foressaid, making together one pound and ten shillings sterling, or thereabout, to be paid and rendered to Robert, for the time being Abbot, and to the Convent foressaid, by the said Gilbert, his heirs and assignees foressaid, at two accustomed terms of the year, Whitsunday and Martinmas, by equal portions, together with the foressaid twelve capons, at Christmas, and services in the three head Courts, within the burgh of Canongate, and Courts of Justiciary and Chamberlainry of the said Abbot and Convent, when it shall happen them to he held ; as also with other services used and wont, entirely in name of ieu-farm, and the respective heirs of the said Gilhert, doubling the rent or duty foressaid the first year of the entry of every one of them to the foressaid lands, in augmentation of the rental, and perhaps under certain other agreements, laws, conditions, declarations, and limitations, in like cases used to be added, then perhaps expressed, as in a public instrument following therupon is said to be more fully contained ; and that Gilbert himself, by virtue of the gift, grant, or let, to feu-farm or perpetual tack, perhaps had attained possession or stood vested in the lands and pertinents foressaid—Wherefore it being humbly supplicated on the part of the said Gilbert (asserting that the gift, grant, and let to feu or perpetual tack, was granted for the evident utility of the said Monastery) that the Pope would vouchsafe, from his usual goodness, to order the strength of a fit confirmation to be applied to the foressaid gift, grant, and let to feu-farm, or perpetual tack, for the greater validity thereof, and otherwise to appoint suitably in the premises. The Pope therefore having no certain knowledge in the premises, and of the true situations, boundaries, denominations, qualities, quantities, and true annual worth of the lands and pertinents foressaid, and tenors of the instrument or deed thereof and others, and being favourable to the petition, he thereby charges the foressaid provosts of Dunglas, Seton, and Dalkeith, to inform them concerning the gift, grant, and let to feu or perpetual tack, and others in the premises done as aforesaid, by examining the foressaid Abbot and Convent, and others who should be summoned, and if by a diligent information it should appear to them that the foressaid feu was granted for the benefit of the Monastery, to approve and confirm the same hy the Pope's authority, and to decern the same to stand valid and effectual, and be followed with effect, and inviolably observed by all judges, by whatsoeover authority acting.

* Pitcairn's Criminal Trials.

fischingis, corne, cattel, orchardis, yardis, mouable and vnmouable, with in our realme, or outwith, vnder our special protectioun, manteinance, supplie, defence, and safgard, Quharfor we charge straitlie and commandis all and sundrie our liegis and subjectis forsaidis, that nane of you tak apoun hand to do the said Gilbert Wauchop and Jonet Ker, his spous, thar bairns, men, tenentis, familiaris, seruandis, or to thar landis, rentis, possessiouns, takkis, steiddingis, malingis, houses, biggingis, castellis, touris, fortalices, maner places, store places, grangis, woddis, lowis, fischingis, corne, cattel, dikis, yardis, or orchardis, fermoraris, factoris, procuratouris, and intromettouris, and to all and sundry otheris thar guidis, mouable and vnmouable forsaidis, any violence, ewil, molestaciounis, disturbance, injurie, harme, or greif, in ony wis, other wayis than the cours of comone law will, vnder all the hiaist, pane, charge, and offence, that ye and ilk ane may committ and incur aganis our maiestie in that pairt, thir our lettres of speciell protectioun, manteinance, supplie, defence, and saufgard, for all the dais of the said Gilbert and his spousis liftymes to indure. Gevin onder our priue sele at our burgh of Jedburgh, the xxvij day of Aprile, the yeir of God, j^m v^e and thretty five yeris, and of our regnie the xxii yeir." This document has two executions on the back of it, bearing that it was proclaimed at the Market Cross of Edinburgh ; and also at the Market Cross of Haddington.*

The acquisition of the lands of Quhitinche seems to have given Niddrie some trouble. In 1539 (21st March) he had to issue a summons of eviction "against Sir Patrick [Hepburn of] Wauchtoun and his tenants, occupiers of the lands of Quhitinche;" and Paul III. had again (3d May 1539) to put forth another mandate, of which the following is the tenor. It is directed to a venerable father, the Dean of the Church of Restalrig, within the diocese of St Andrews, mentioning that a beloved son, a noble man, Gilbert Wauchope, lord in temporals of the place of Niddriffmarschell, within the diocese of St Andrews, had represented to the Pope that some sons of iniquity, whom he was altogether ignorant of, had wickedly brought many and heavy losses upon the said Gilbert Wauchope, by concealing the boundaries and limits or marches of the field or piece of land or place called Quhitinche, feued to him by the Abbot and Convent of the Monastery of the Holy Cross, of the order of St Augustin, and by taking care that the same cannot be seen by the said Gilbert Wauchope, and by retaining some part of the said field or place or piece of land, and rights, liberties, rents, and profits thereof, unlawfully seized by them, and to the doing thereof have

* Niddrie Charter Chest.

craftily afforded assistance, advance, and favour ; as also have rashly and wickedly presumed to hide and secretly detain rents, fruits, lands, houses, possessions, and quantities of other things, moveable and unmoveable, clothes, rings, precious stones, beds, and other household furniture, horses and other animals, books, writings, testaments, sums of money, and many other goods, moveable and unmoveable, lawfully pertaining and belonging to the said Gilbert Wauchope, as well by reason of the said piece of land or place, and of his person, as of the heritable succession of his parents and deceased relatives, to whom he stands heir in whole or in part, and that the said Gilbert Wauchope had implored relief at the proper seat of justice. Therefore the Pope intrusted to the discretion of the said venerable father, Dean and Commissary, to admonish publicly in Churches, before the people, by themselves or others, all holders of the premises, afforders of advice, assistance, and favour, and secret detainers of the boundaries, limits, marches, rents, fruits, and other goods, that they should, within a competent specified time, restore and discover these things to the said Gilbert Wauchope, or to the Abbot of the said Monastery for the time being, and give full and due satisfaction for the losses occasioned by them in the premises ; and if that should not be done within another competent specified time, that then they should pronounce a general sentence of excommunication against these persons, and cause the same to be solemnly published when and where it should seem proper, till suitable satisfaction was made.*

Gilbert, the successor of this laird of Niddrie, took an active part in promoting the Reformation. He was present at Knox's first sermon at St Andrews in 1547. Knox himself, in his *History*, records the Laird of Niddrie's opinion of this discourse : "Others said, Master George Wischarde spake never so plainly, and yet he was burnt, even so will he be. The tyranny of the Cardinal made not his cause the better, neither yet the suffering of God's servants made his cause the worse. And therefore we would counsell you to provide better defences than fire and sword ; for it may be that else ye will be disappointed. Men have now other eyes than they had then." "This answer," says Knox, "gave the Laird of Nydrie, a man fervent and upright in religion." Gilbert Wauchope of Niddrie was a member of the famous Parliament, held at Edinburgh in August 1560, by which the Reformation was established.†

During the next succession various off-shoots branched from the family. *Gilbert* was the first of the *Stottencleuch* Wauchopes. He had a charter of that property in 1578. *Adam* had a charter of *Caikmuir* in 1576. The former of

* Niddrie Charter Chest. † Acts of Parliament.

these properties is in Haddingtonshire, and the latter in Berwickshire. *George* had a charter of *Gleghorne* in 1592.

George Wauchope, a celebrated Professor of Civil Law at Caen, in Normandy, was probably a younger son of *William Wauchope* of Niddrie-Merschell,* the successor of *Gilbert*, but whether by his first or second marriage does not appear. *Mackenzie* says he was born in “the troublesome times of the Reformation.” His first work, a “Treatise concerning the Ancient People of Rome,” was published in 1595; and *Mackenzie* says it was written when he was about twenty-five years of age. If published immediately after it was written, the author would thus have been born not later than 1570.

Dempster and others say that his early years were full of promise; and he was sent over to France, when quite a youth, for his education. He studied at Caen, where he made rapid progress in the Belles Lettres, Philosophy, and the Law. At the age of twenty-five he wrote the work already mentioned, and afterwards illustrated it by another on the Roman Laws and Customs—written, says *Mackenzie*, three years after—that was in 1598. This work greatly enhanced his fame as a professor. It was inscribed to Sir *George Douglas*, brother-in-law of his brother, *Robert*, who married for his second wife a daughter of Sir *James Douglas* of Drumlanrig. Very little is known of his history, except that he was Professor of Civil Law at Caen for several years. *Mackenzie* was ignorant of the time of his death.†

The feud with the Hepburns of Wauchton seems to have been staunched by intermarriage, but that with the Edmonstons and others continued. These unhappy conflicts, together with their adherence to the cause of Queen Mary, brought ruin for a time on the family. Professor *Aytoun*, in his poem of “Bothwell,” says—

“ Hay, bid the trumpets sound the march ;
Go, Bolton, to the van ;
Young Niddrie follows with the rear ;
Set forward, every man !”

This is the language of *Ormiston*, in urging *Bothwell*, at the head of a thousand troopers, to intercept the Queen on her way from *Stirling*, and carry her to *Dunbar Castle*. The “young Niddrie” alluded to must have been *Robert*, the son of *William Wauchope* of Niddrie-Merschell, who died in 1587. *William* had a

* There is no positive proof of this—but he could not well have been the son of any of the previous or later lairds of Niddrie.

† His works were, as already indicated—*De Veteri Populo Tractatus Cadomi*, 1595; and *Observationes ex Historiis Romanorum et Omnium Gentium*, Cadomi, 1598.

protection from Queen Mary, but his name does not appear in connection with any of the feuds ; and he was probably too old to take an active part in the struggle between the Queen and her subjects. Both *Robert*, his son, and *Archibald*, his grandson, however, occur in the “charge aganis personis denunciat rebellis,” 12th June, 1587.* That they became attached to the cause of the Queen is not wonderful, considering that their young and fair sovereign resided so frequently at Craigmillar Castle, in the immediate vicinity, and that they must have been daily in the habit of mixing with those who formed her Court.

Archibald, younger of Niddrie, seems to have deported himself with a high hand : “ May 13, 1588, Archibald Wauchop of Nudrie, younger, George Boig, servand to the Laird of Craigmillar, William Lauder, brother to the Laird of Bannochie, William Craig, servand to Craigmillar, Richard Bigum, also his servand, and Thomas Kame, smyth in Nudrie, [were] dilatit for the slauchter of vmquhile James Giffert, of Sheriffhall, vmquhile Johne Giffert, his brother, and vmquhile Robert Caise, in Dalkeith, committed in July last bypast ; and also of the slaughter of vmquhile Johne Edmistoun, brother of David Edmistoun of Wowmet ; committed in March last wes.”†

Calderwood, in his Church History, relates the following story, which is highly illustrative of the rude state of the times : “ Upon the 12th May [1589], Archibald Wauchop, young Laird of Nidrie, lying in Robert Peacock’s hous at the Bridge-end, in waite for the Laird of Edmistoun, was besett by Edmistoun, who was advertised, and gathered his friends. Some cryed for fire ; others better advised, to advertise the King. The drumme was beatin betweene sevin and eight at night in Edinburgh. The inhabitants, and other gentlemen and noblemen, were charged to come incontinent to the King’s lodging. The King cometh to the Burrow Mure, and directed an herald to charge Nidrie to come out of the hous to him under paine of treasoun. He cometh furth with his companie, is brought to Edinburgh, and waирded in the Tolbuith. The day following he was brought furth to thole an assise, for the slaughter of the Laird of Sheriffhall, and his brother, Johne Giffard. The Lord Home, the Laird of Edmistoun, the Laird of Broxmouth, and Thomas Giffard of Sheriffhall, were pursuers. The mater was continued till the nixt day. Then he and his complices were brought furth againe out of the prisoun hous to thole an assise, but some of his freinds were upon the assise. The dittay being read, and the assise enclosed, tyme was protracted, that noblemen might have leasure to travell for pardoun. No pardoun being granted,

* Acts of Parliament. † Criminal Trials.

at least professed,* the judge sitting in judgment, and about a thousand persons in the Tolbuith, waiting upon the event, the candles were put furth about eleven hours at night, and Nidrie and his complices escaped out at the windowes of the Tolbuith. Sir James Sandilands, Tutor of Calder, the chiefe man that assisted him to break waird, was soone after familiar againe with the King, in his owne chamber. But God in his justice, notwithstanding, pursued Nidrie, till he came to an unhappie end. This enormitie was so vile and odious that the ministers could not keepe silence."

Calderwood relates another slaughter committed by the young Laird of Niddrie, during the King's absence in Denmark, in 1590, on occasion of his marriage. Calderwood, of course, writes with a strong bias, but the deed seems to have been of an unprovoked and audacious character: "Upon the 16th of Januar the young Laird of Nidrie killed a gentleman depending upon the Abbot of Holyrudhous, becaus he reproved him for striking of an officer of arms. Immediatlie after the slaughter he went to Edinburgh, and had conference with Bothwell.† This was the only slaughter that I heare of in the King's absence; but committed by the man who had escaped the hands of justice in an uncouth maner, while the King was present."

Archibald Wauchope had been participant in deeds of this kind at a pretty early period of life. In 1590 (25th December) he had a remission for the slaughter of Gilbert Home, by the kinsmen and friends of the deceased, on payment of 500 lbs., committed by his servant, Joseph Reidpath, so far back as 1580, when he must have been a very young man. The remission is as follows:

"Be it kend till all men be thir present lettres, we, Alexander Home, of the Crocegait of Coldinghame, brother sone to umquhile Gilbert Home, and Robert and William Homeis, brother germans to the said umquhile Gilbert, and James Home, his sone naturall, Home, servand to the gudeman of Manderstoun, and we, takand the burding upone us for the said James, be ressoun of his minorative, and for the remanent kin, friendes, alliance, assistaries and partakaris of the uniuhile Gilbert, with advyse and consent of the noble and potent Lord, Alexander Lord Home, Sir James Home of Caldenknowis, knycht, Williame

* Calderwood is not an impartial historian.

† This was Francis Stewart, Earl of Bothwell, who was raised to the peerage by James VI., the title and property having fallen to the Crown, after the affair of Carberry. Though a near relation of James VI., he caused that monarch much trouble by his feuds and treasons. There seems to have been a strong band of mutual support between Bothwell and the family of Niddrie. In a case before the Court, between Craigmillar and the Laird of Niddrie, in 1591, Bothwell, to save the latter, carried off a principal witness, in the face of the judges, the King also being present.

Home of Aytoun, and Patrick Home, feir thairof, that fforsamekle as we having considerit the gret repentance and humiliatioun off Archibald Wauchop, fear of Nidrie, and of Joseph Reidpath, his servand, first to God and syne to ws, the kin and freindis forsaidis, ffor the unhappy chance and slaunchter of the said umquhile Gilbert Home, committit be the said Joseph Reidpath, upone the day of

the yeir of God j^m v^e fourscoir yciris, at the Pepper Myln, besyde Edinburgh, the said Gilbert being in service with my Lord Bishop of Orkney, quhen the said Gilbert, efter contemptioune of wordis, be accident wes slane, and seing it happinnit of na set purpois, forthocht fellony, malice, or uther creweltie, bot be chance, hes movit ws the rather to accept thair said humiliatioun in gud part. And in consideratioun that the said Archibald Wauchop for himself and the said Joseph, and for the remanent thair kin, freindis and servandis, hes nocht onlie satisfeit ws in honour at the sicht of all our freindis, bot also hes numberit and payit to ws, and to me, the said Alexander Home, for myselff and remanent freindis forsaidis the sowme of fyve hundredth pundis money of this realme as for assythment of the forsaid slaunchter—and thairfoir to haif remittit, frelie forgiven and dischargeit, and be the tennour heirof frelie remittis and forgevis and dischargeis the saidis Archibald Wauchop and Joseph Reidpath, his servand, with all uther his servandis, their kin, freindis, alliance, assistaris, and partakaris of the forsaid slaunchter of the said umquhile Gilbert Home, and of all actionis, cryme, or persute that we or ony of ws, our kin, friendis, alliance, assistaris or partakaris had, hes, or may haif to persew or allege aganis thame, or to lay to thair charge for the same slaunchter in tyme coming, renunceand the same be thir presentis, with all rancour, haitrent or malice consavit in our hartis aganis thame or any of thame, for the said slaunchter, or for any caus, deid, or occasioune proceeding thairupone bipast and to cum, for now and evir. And grantis ws weill assythit and satisfeit in our hartis thairfoir, obleissand ws and ilk ane of ws for our selfis, and takand the burding upone ws as said is, with consent of the said noblemen our freindis, be thir presentis, nevir to persew nor invaid the saidis Archibald Wauchop, Joschph Reidpath, his servand, nor na uther his servandis, thair kin, freindis, alliances, assistaris, or partakaris, for the said deid, directlie nor indirectlie, in the law nor by the law, in na tyme heirafter, bot to leve in godlie peace in brotherlie societie with thame, in the feir of God, procuring thair weill as our awin, under the pane of deffamie, perjurie, violatioun of our faith quherunto we haif sworne be thir presentis. In witnes of the quhilk thing to this our letter of remit, subscrivit with our handis in maner following, at Coldingham the twentyfyve day of December the yeir of God ane thousand fyve

hundreth fourscoir ten yeiris, our proper seill contenand all our armes for haill name appendit."

Besides the signature of "Alexr. Home" and various others appended to this document, there is the following : " William Home, alias Black William in Eymouth, with my hand on the pen."*

Archibald Wauchope was concerned in the attack on the palace of Holyrood-house, 27th December 1591. The leaders of this bold enterprise were Francis Stewart, Earl of Bothwell, James Douglas of Spot, Archibald Douglas, son of the Earl of Morton, and John Colvil of Strawed. They had about fifty followers. The assault was made under the cloud of night. They got into the outer court by a private passage, and forcibly deprived the janitor of the keys of the inner. The Duke of Lennox was supposed to be privy to the undertaking, though the prime ringleader was the Earl of Bothwell, prompted by resentment to Maitland the Chancellor, who fortunately made his escape. Missing the object they were in pursuit of, the party retired without doing much mischief. Next day, eight of them were apprehended, but young Niddrie made his escape. He was forfeited along with the Earl of Bothwell and others for this offence, and appears to have left the country for a time.†

Respecting the elder Niddrie, *Birrel* gives the following rather singular account :—

"July 1592. At the same tyme the Lairds of Niddrie and Samuelstone ver takin by Johne Lord Hamiltone, and vardit in the Castell of Draffin, and came to Edinburghe, thinking to have gottin grace to them from his Majestie. He came doune to his Majesteis ludging at the Nether-bow, and going into Mr Johne Laing's hous, quher his Majestie ludgeth, the guard standeing above the port with ther hagbutts, guns, and uther weapons ; the forsaid guard, seing my Lord Hamiltone, for honour of his Lordshipe, schott ane volley at my lord : Ther wes ane man, speaking to hes lordschipe, shott through the head ; ane uther, by him, shott through the legg ; and ane bullet strooke the lintell of the gaitt, just above my lord's head quher he stood ; yet no more harme done : so that, by meir accident, the said Lord Hamiltone had most have beine slaine, and not through any evill vill. The Lord Hamiltone, seeing that he could gett no grace to the said two gentlemen, he sent vord to hes bastard sone Schir Johne, quho convoyed the said two gentlemen away, and vent with them him selve, for their more safety."

* Niddrie Charter Chest. † Acts of Parliament.

Calderwood relates this circumstance somewhat differently, and says it was the intention of the guard to have killed Hamilton. The person shot was James Sinclair of Eurston. The Lairds of Niddrie and Samuelstone were set at liberty soon afterwards.

Robert Wauchope, elder of Niddrie, had a respite from James VI., for nine years, for art and part in the slaughter of umquhile John Edmistoun, brother german to David Edmistoun of Woolmet, and mutilation of George Davidson, in Charterhouse, and for all other crimes and offences, as well slaughter and mutilation as others whatsoever, treason excepted, dated 3d Dec. 1593.*

Birrell tells us : “Nov. 7, 1596—Hes Majestie did receave againe the Laird of Nidrie in his favour, and restorit him to his former dignity and estait.” Of this, however, we have no evidence ; and the estate passed into other hands. He must have died before 1601, for, on the 16th January of that year, *William* appears as “tutor of Niddrie” in a horning against William Fenton, maltman, Canongate.”†

Archibald, younger of Niddrie, was alive in 1594, in which year his name occurs in the “Ratificatioun of the forfaltour of Francis sumtyme Erll of Bothuill.” He, however, came to an unhappy end. “The estate,” say the MS. notes of the family, “was again forfaulted in Archibald’s time, father to Francis, my great-grandfather, because he followed Queen Mary: and possibly, having some power at that time, satisfied his own bold humour in disobliging his neighbours. He mutilated the Laird of Woolmet, and never rid without a great following of horsemen, whom he maintained, and gave to every man a piece of land as a gratuity, which continued during their service. The house at that time was of long standing, capable to lodge 100 strangers, and lay mostly eastwards from the place it now stands in. It was then burnt by his neighbours, after he broke his neck in Skinner’s Closs [Edinburgh], being alarmed by his man, and thinking to save himself out at a storm-window, while his enemies were already in great number at his door, with design to murder or take him prisoner.”

The death of Archibald must have occurred before 1596, in January of which year “George Wauchope, brother to *umquhile* Archibald Wauchope, appcarand of Nudrie-Marschell, was dilatit of airt and pairt of the slaunchter of umquhile David Edmistoun of Womet.” *William* Wauchope was also charged with the same offence in 1603. It appears that David Edmistoun had been shot by one Thomas Christison.‡

It was no doubt about this time that the old house of Niddrie—so commodious

* Niddrie Charter Chest. † Canongate Records. ‡ Criminal Trials.

that it could garrison a hundred followers—was destroyed by the enemies of the family. Robert the elder was then well advanced in years, and under forfeiture, though Birrel says he was restored. Archibald, the younger, who had led so strong-handed a life, was dead, so that the junior members of the family were not in a position to continue the feudal quarrel.

“After Sir Archibald’s forfaulture,” continue the ms. notes, “Sir Francis, his son, to get back the estate, married Secretary Sandilands’ daughter, and engaged for him and his friends cautioner to the value of 200,000 merks, which distressed him so as he was forced to quite the country. He went to Holland, where he lived very privately as a soldier. The lady stayed in the Wester House,* living meanly, and much upon the good offices of kind tennants, and a certain merchant in Edinburgh called Red, who managed the fortune, and compounded with creditors, furnishing of his own to the most pressing. Things going something better, and much by the help of that merchant who compounded with creditors for Sir Francis’s behoof, and advanced money, Sir Francis came over from Holland, but dyed by the way coming down to Scotland, at Holy Island. He dyed Catholick, having been converted while he was abroad.”

It appears the lands belonging to the Niddrie family had fallen chiefly into the hands of the Edmonstouns, as a solatium probably for the injuries sustained by them and their friends during the feuds with the Wauchopes. From the Edmonstons they were acquired by Secrtry Sandilands, but whether by purchase or otherwise is not very clear. He had the escheat of Archibald Wauchope, and gave an assignation of the teinds of Niddrie-Merschell to John Wauchope, bailie of Niddrie, in 1599.† Francis Wauchope, son to the forfeited and outlawed Archibald, was restored in 1603 by the following letter of James VI., addressed “To our right trustie and wel-beloved Counsellor, Sir David Murray of Gosperd, Knight, our Comptroller:”—

“JAMES R.

“Trusty counsallour, we great you hertlie well. Whereas we have of our clemencie, and for goode consideratiouns moving us, restorit and rehabilitat Frances Wauchope, eldest lauchfull son to umquhill Archibald Wauchope, sumtyme of Niddrie-Merschell, to his haill landis, rowmes, possessiounis, coilles, coil-

* The Wester House stood in the immediate vicinity of Niddrie, and “was built by the Lairds of Edmistoun, on a run-rig which belonged to them. Niddrie, on the other hand, had the run-rig of Edmiston.”—*Family ms. Notes.* It was in existence in 1711. In the “Inventory of the household plenishing within the Mansione House of Niddry Marishall,” drawn up in that year, with a view to sale, the plenishing in “the Wester House” is also included. None of the building now remains, save a vault used as a store.

† Niddrie Charter Chest.

heuchis, and uthers, pertaining to his said umquhill fader, and being verray willing that, be vertew of our letter of rehabilitatioun, the said Frances be presentlie reposest to the same, his landis, coilles, coilheuchis and uthers pertaining to him, we have thought goode hereby to will and desir you to be present yourself, and sie him reposest to his saids lands, rowmes, and coilheewis, conforme to our letters and charges of horning direct for the samyn effect, as you will do us guid pleasour and service. Thus we commit you to God. From Winchester, the xxixth day of September, 1603."

The estate of Niddrie-Merschell was formerly conveyed over by Sir James Sandilands of Slamannan, to Francis Wauchope (usually styled Sir Francis) in 1608,* and the restitution of the House of Niddrie was confirmed by Act of Parliament in 1609.

Sir John Wauchope, son of Sir Francis, may be regarded as the chief restorer of the House of Niddrie. The family MS. notes say:—"Sir John, by his frugal way of living, pay'd the 200,000 merks of cautionry, either by selling of land, (viz. Pilmour, Revelrig,† and Berney, in West Lothian, and the Cold-coats, now belonging to Edmiston,) or by the effects of the rest of the estate. He liv'd with my Lord Lauderdale, and was his bed-fellow. It was he that built this present house, and cover'd the tower head with copper, which the English tirred and carried off with them."

Sir John had a charter from Charles I. of the lands and barony of Niddrie-Merschell, 21st January 1632;‡ and he was knighted by that sovereign when he visited Scotland with great pomp in 1633.§ In the subsequent misunderstandings between the King and his subjects, Sir John engaged on the side of the Covenant. He was a Member of Parliament in 1641—one of "the commissioun for the plantatioun of kirks"—one of "the commissioun for regulating and settling of the debtis, compts, and commoun burdingis of the kingdome"—one of "the committee of estates"—and one of "the commissioune for trying the incendiaries and plotters."

In the same year (1641) Sir John had a ratification, by Parliament, of his Majesty's charter of 1632.||

* Niddrie Charter Chest.

† Arthur Temple, chirurgeon, had a ratification of the toure and lands of Ravelrig and Pilmour, within the barony of Niddrie-Marshall, in 1672.

‡ Niddrie Charter Chest. § Balfour's Annals.

|| As this document embraces the entire lands to which Sir John succeeded, it may not be uninteresting to quote it as it stands:—

"In the Parliament haldin att Edinburgh, the seventeine day of November, the yeir of God jm vjc and fourtie ane yeiris, oure soveraine Lord and estaittis of this present Parliament hes ratificd and approvin, and be thir presentis ratifies and approvis the chairtour grantit be his Majestie, with consent

He was one of the Commissioners for Edinburghshire in 1643, and one of the Committee of Estates in 1644, 1645,* and 1646. He was an elder of the church, and, by the General Assembly that met at Edinburgh, July 12, 1648, appointed a member of their Commission, to whom very important matters were recommended and entrusted.† It was at this period that the church set up its authority, in opposition to Parliament, in reference to the famous "Engagement," as the attempt to restore the fortunes of the house of Stuart was called. In 1649

of his hienes' thesaurer, thesaurer-deput, and remenant lordis of his Majestei's Exchequer, under his hienes' great seal, of the daitt the tuentie ane day of Januar, the yeir of God jm vjc threttie tua yeiris, to Sir Johne Wauchope of Nidrie-Merschell, knight, thairin designit Johne Wauchope, his airis maill and assignayes quhatsumevir, off all and haill the landis and baronie of Nidrie-Merschell, alsweill the twa pairt as thrie pairt thairof, with maner place, houses, higgingis, yairdis, orchardis, mylnes, multouris, coallis, coalhewis, annexis, connexis, pairtis, pendicles, and all thair pertinentis, with the advocatioun, donatioun, and richt of patronage of the kirk or chappell of Nidrie-Merschell, and als of all and haill the landis of Pilnure, with the pertinentis all lyand within the Shreffdome of Edinburgh, and als conteining ane ratificatioun of tua infektments, ane thairof made he umquhill Sir James Sandilandis of Slamano, knight, to Mr James Sandilandis, commissar of Aherdeine, his airis and assais of the saidis landis and baronie of Nidrie-Merschell, with thair foirsaidis and richt of patronage above specifit, and the uther thairof maid he the said Mr James Sandilandis, with consent of Kathereine Patersone his spous, and Mr Thomas Sandilandis, his eldest sone, to the said Sir Johne Wauchope his airis maill and assignayes, of the landis, baronie and utheris above specifit. And siclyk, conteining ane new gift grantit be his Majestie, with consent foirsaid, to the said Sir Johne Wauchope and his foirsaidis, of the samyne landis, baronie and utheris respective above specifit. And lykwayes ratifies and approves ane uther chairtour, maid he his Majestie, with consent foirsaid, under his hienes' great seal, of the dait the thrid day of July, the yeir of God jm vjc threttie sevin yeiris, to the said Sir Johne Wauchope, his airis maill and assignayes quhatsumevir, of all and haill the toure and landis of Ravelrig, with houses, biggings, yairdis, orchardis, toftis, croftis, outsettis, insettis, with commontie, common pasturage, muires, mossis, meadowis, and all thair pairtis, pendicles, and pertinentis of the said toure and landis of Ravelrig, with the priviledge within the haill commontie of Balerno, with the pertinentis, als weill for pasturage as for wining and transporting of peattis, fewaill, feall, and divottis and turfes, conforme to old use and wont allanerlie, hy and within the baronie of Balerno and Shreffdome of Edinburgh, as haith the saidis chairtours, of the daitis respective foirsaidis in them selfes mair fullie propertis, togidder with the preceptis and instrumentis of saiseing following upon the saidis chairtouris, togidder with all and sundrie utheris infektmentis, chairtouris, saiseingis, confirmatiounes, and utheris evidenter, richtis, and securiteis maid to the said Sir Johne Wauchope his predecessoris authoris, off and concerneing the landis, baronie, richt of patronage, and utheris respective above specifit, of quhatsumevir daitis, tennouris or contentis the samyne he of. In all and sundrie headis, clauses, articles, and conditiounes conteaint thairintill, after the formes and tennouris thairof, in all poynnis, and his Majestie and estaitis of this present Parliament willis and grantis that this present ratificatioun salbe als guide, valide and sufficient as if the saidis chairtouris, infektmentis, and utheris, speciallie and generallie abovementionat war heirin speciallie ingrossit and insert. Quhairanent our said Soverane Lord and estaitis foirsaidis hes dispensit and dispenses he thir presentis."

* In this year he was one of those whom the Marquis of Argyle invited to accompany him in his expedition against Montrose; and, when surprised at Inverlochy, his Grace took shelter in a boat, from whence he could with safety witness the sanguinary fight between his clansmen and the Macdonalds, Sir John, as well as Sir James Rollo of Duncruih, and Archibald Sydeserf, bailie of Edinburgh, had the honour of a place beside him. They had of course no position in Argyle's army, and merely accompanied him, at his own request, to "hear witness to the wonders he purposed to perform in that expedition."—*Guthrie's Memoirs.*

† Acts of General Assembly.

he was one of the commissioners for putting the kingdom in a state of defence ; also one of the commission for the plantation of kirks.*

Induced from conviction to take part against the crown, Sir John nevertheless had a warm side towards the royal family, and deeply deplored the contentions by which the country was agitated. The following letter from his old friend and bed-fellow, the Duke of Lauderdale, sufficiently evinces this feeling, though they were acting on opposite sides of the quarrel :

Campvere, the ¹⁴ of June, 1649.

" WELBELOVED COUSIN,

" I have not written any to any freind in Scotland since I receaved yours of the 14 of Aprile, or els I should sooner have returned yow thanks for the great kindnes yow express to me in it. I shall strive, God willing, to follow yo^r advice, and to contribute still my best indevors for a happy conjunction betwixt the King and his people in Scotland, which I thinke the onely way for preservacion of religion, his Maj^{tie}, and the peace and happines of that poore countrey. These have ever been the principles which constantly I have adhered to, to the best of my understanding, how ever I have been misunderstood ; and I have contributed at this time my best endeavours for these ends, although, (as you write) it gets me many enemies and few friends, yet I will, God-willing, continue, because I thinke it my dewty ; and I am sure my greatest enemies cannot say that ever I considered myself in this publick caus. Yo^r Commissioners will informe you of the progress of busines, and althogh a happy union betwixt his Maj^{tie} and Scotland may appear very difficult, yet, if yow wold be so happy as to joyne amongst yo^r selves, and part with yo^r rigidity in relation to the most honest though unhappy ingagement, that so all Scotland might appeare to be one, which is the onely way to regaine yo^r reputation, to make yow considerable, and to preferr your peace, I should not doubt but by God's blessing the King and Scotland should quickly agree ; for the keeping up of yo^r acts of classis, and those divisions which make yow to be lookt upon but as a faction, and encourages your enemies to undertake against yow ; whereas, if by a good act of oblivion, in relation to yo^r obedience of the Parl^t 1648, yow wer all united in Scotland, then yow wold be lookt upon as the Kingdome indeed ; and then I should not doubt to see the King and Scotland ingaged for the good of religion, and his Maj^{tie}'s restitution against those destroyers of all religion and government, who have murdered our King and our friends, and will never be quiet till they make Scotland a province, let them

* Acts of Parliament.

pretend what they will. I beseech you, contribute your best towards so good a worke, and this is all that I shall say of publick busines, for yo^r Commissioners will informe yow of all that hath passed heir. As for my owne particulars, I must intreat yo^r care and yo^r help in my busines ; speake with my Lord Balcarres and my brother, and if my stay be long abroad, as I feare it shall, if yow continue yo^r rigidnes, for I will not venture a running away againe, nor ever see Scotland so long as I may be censured either by Kirk or State for anything I did in obedience to the Parl^t in that ingagement, which I thinke as good ane action as ever I was ingaged in. If, I say, I continue out of the countrey, I must put yow to more trouble in looking to my poore estate, and the good of my family, from which you may ever promise your self all the kindnes a friend and kinsman can expect, and that shall ever continue most constantly.

Yo^r very affectionat cousin and servant,
LAUDERDAILL."

" For my much respected Cousin,
Sir Johne Wauchop of Nidrie, Knight."*

This interesting letter refers to a well-known period of our history—that which followed the gallant but unsuccessful attempt of the Scots to redeem the fortunes of the royal cause under the Duke of Hamilton—which attempt was known in Scotland as “the Engagement”—and which the Church, in opposition to Parliament, not only opposed, but took violent measures against all who were engaged in it. The Duke saw very clearly what the “rigidity” and divisions of the Scots were bringing the country to : he believed that many of the leaders were playing into the hands of those who “will never be quiet till they *make Scotland a province*, let them say what they will.” He was a sufferer by the persecution to which the Church had recourse ; and his dislike of the principles and practices of the more fanatical of his countrymen at this juncture, may account for much of his conduct, so inimical to the Covenanters, after the Restoration.

That Sir John Wauchope deeply lamented the unhappy divisions of his country—though an active supporter of the Presbyterian mode of worship—may be inferred from his correspondence with Lauderdale : and that he laboured earnestly for the restoration of the royal family is evident from the public acts of the time. In 1662, an act was passed in favour of “Johne, Earl of Middleton, and Sir John Smyth,” the preamble of which says—“forasmuch as in the year

* Niddrie Charter Chest.

1650, wheu invitacions were made to the King's Majestie, for his comeing home to the government of his Kingdome, *Sir John Wauchope* and Sir Johne Smith, to testifie their cheerfulness in that affair, did, when other means failed, and wer obstructed, frelie advance out of their own fortues several sums of money for defraying the expense in that employmeut," &c.* Sir John does not seem to have filled any office of trust during the Cromwellian usurpation ;† aud he was so little protected by "the keepers of the liberties of England," that the copper with which he had covered the tower-head of his new house of Niddrie was "tirred and carried off" by the soldiers of the Puritan ruler. The Commissioners referred to by Lauderdale were those parties sent to learn the mind of Charles, then at Campvere, with a view to a mutual understanding in matters affecting the kirk. It was not, however, till the death of Cromwell that the efforts of the loyalists were effective in restoring the house of Stuart. In bringing about this much-wished-for event, Sir John had not ceased to use his influence.

Meanwhile he exercised great judgment in the management of his estate, and, in course of time, was enabled more than to repair the damage sustained by the forfeiture and his father's obligations. He had a wadset of 25,000 merks over the lands of Town Yettoum, or Lochtour, in Roxburghshire, as early as 1643, and they were finally acquired in 1661. In the ratification of his various charters obtained by Sir John in 1672, in favour of himself, his son Andrew, and heirs male, the property is described as consisting at this period of the lands and barouy of Niddrie-Merschell, "als wiel two pairt as thrid pairt," and "all and haill the saids lands, toune, and maynes of the baronie of Tounyettoum, with the milne, milne lands, multures aud sequills therof, with houses, biggiugs, yairds, annexis, connexis, pairts, pendicles, and pertinents of the samyn, with the said advocacioun, donatioun, and right of patronage of the said kirk of Touuyettoum, and the saids thrie husband lands, all united in aue baronie called the baronie of Lochtoure, and the maner place therof to be the priucipall messuage of the said barronie, &c. And sic lyk all and haill the saids lands of Tounyettoum aud Shirrietries, with that pendicle therof called Bennetsbank, the lands of Hayhope, with the pertinents therof, and halfe of the husband land called the Closs and Butter Brae,‡ which is ane pendicle of the said lands of Hayhope, with pasturage and priviledges used and wont, within the bounds of the said lands of Tounyettoum ; and of all and

* Acts of Parliament.

† Amongst the family papers there is a ms. copy of the "Instructionunes to the Counsall be his Highnes for the government in Scotland," 1655, but it does not appear that he was in any way connected with it.

‡ Elsewhere it is called Burton's Brae.

haill that haugh of land, called Litleruchawgh, with the pertinents therof, extending to ane sex pound land of old extent, lyand within the baronie of Groabit, be annexatioun, and Shirrefdome of Roxburgh, which wer formerlie unite in ane tennandrie, called the tennandrie of Tounyettoum ; and als all and haill the lands of Eister and Wester Rysides, with there pertinents, and als these two husband lands in Tounyettoum, extending to ane four pound ten shilling land of old extent, and als these four husband lands in Tounyettoum and lands of Baltries and pertinents of the samine,"* &c. Lochtour was the ancient name of the barony. The lands were first granted by the crown to the Duke of Lennox, and by the Duke to the Buccleuch family, from whom they were acquired by the Earl of Bothwell, and by Bothwell disposed, before his forfeiture, to the Kers of Lochtour, about 1563.† There is, indeed, a charter by "James Earl of Bothwell, to Gilbert Ker of Prymeside-loch, and his lady Elizabeth Edmonstoun, in life-rent, and Walter Ker, their third son, in fee, of the toun lands and mayns of the baronie of Tounyettam and Milne thereof," 29th Nov. 1563.‡ Prymeside-loch and Lochtour are different names for the same place. The tower or fortalice stood on the margin of the loch ; hence its name.

Sir John and his lady were present in London at the Coronation of Charles II., and probably had an audience of his Majesty. In 1663, Sir John was again a member of the Scottish Parliament, and one of the Committee for the Plantation of Kirks. He was also a Justice of the Peace. In 1669 he was one of the Commissioners appointed for settling the restored estates of Argyle. Amongst the last of his public appearances was as one of the Convention of Estates in 1678.§

The *Wauchopes* of *Edmonston* branched off about this time ; *John*, the second son of Sir John, having married the heiress of that estate.

Andrew, who succeeded Sir John in 1682, and was a Roman Catholic,|| conducted the affairs of the estate with great prudence and success. He had two or three vexatious law-suits, arising out of unfounded claims upon the property, in all of which he was successful. In public and private this Laird of Niddrie seems to

* Niddrie Charter Chest.

† Paper entitled "Information for the Laird of Lochtour, anent his lands of Yettam, quhilk sometime pertained to the Earle of Bothwell," dated 1647, in Niddrie Charter Chest.

‡ This is the Earl of Bothwell who espoused Queen Mary. The charter has his signature and seal attached.—Niddrie Charter Chest.

§ Acts of Parliament.

|| It is probable that the Roman Catholic worship had been revived at Niddrie Chapel under this laird's auspices. There could hardly be any other reason for its destruction by an Edinburgh mob, who had previously sacked the Chapel of Holyrood, in 1688.

have been equally respected. In 1686, he and three other gentlemen, in conformity with a practice then common in Scotland, farmed the customs and foreign excise. The parties were, besides himself, George Hamilton of Binnie, Sir Robert Mylne of Barnton, and Sir James Calder of Moortton, and each held an equal share.* Of this partnership, the sederunt book is before us. Niddrie was appointed chairman and manager, with £500 sterling yearly of salary—the other officials being paid in proportion. The copartnery continued till the end of 1688, at which period there was owing to the taxmen, by various ports and parties, the sum of £20,224, 4s. 10d. One of the entries is as follows:—"By *William Paterson*, in Leith, his bond, daitt the 25 June 1688, for 4000, payed 3921^{lb} 17s. 4d. Scotts. Rests the annual rents of the soume preceeding the payment by and of the principall rents yet unpayed, £77, 2s. 8d." This was no doubt the celebrated founder of the Bank of England, and the originator of the Darien Company.

Of the Laird's accuracy and business habits, another proof remains in the same volume. It is an account of the outlay and income of the coal-work, beginning the 1st of June 1696 to the 18th May 1700. It would appear that this was a new work, for one of the heads into which the account is divided is thus stated: "Accompt of money advanced be the Laird of Niddrie in erecting his collarie, begining 13 Apryle 1696." William Wauchope of Niddrie-Merschell, and Lady Margaret Sandilandis, his spouse, had a charter from James Richardson of Smetoun of the lands of Cauldcottis, and the coal of Womett, 22d Sept., 1519; and the coal and coal-heughs of Niddrie are mentioned in various charters subsequently; but Cauldcottis was disposed of to Edmistoun by Sir John Wauchope,† so that the work in question was no doubt a new erection. The "accompt of uncost," before any yield was realised, amounted to £677 sterling. Some of the entries are curious. The two opening items are—"For marking on the sink, a gallon of aill, 16s." "For setting of the stoolls, halfe a gallon of aill, 8s." "Sinking 9 fathome of the holl, at 6^{lb} the fathom, £54." "A wife for carieing the picks too and fra the smiddie 15 dayes, £3."‡ "To Roben Henderson for 10 darg at the coall mynd, at 10s ye day, £5." "For timbering 3 fathom of the stair sink, £2." "For 5 fathom of stair putting in, at a merk the fathom, £3, 6s. 8d." "To Rob^t Henderson, on day and a halfe neidling ye stair and mending ye sink, 15s." "For

* Fountainhall takes notice of this setting of the King's Customs and Excise. There were other three "cabels," as he designates them, in opposition to Niddrie's party. The rent offered was £30,600 sterling. James Oswald's party came within £100 of that sum.

† The Laird of Niddrie (Sir John) is mentioned among other coal proprietors, in the Act passed in 1644, "prohibiting coal-masters to transport or sell their coals to strangers in preference to the natives."

‡ This seems a high price, if in sterling money; in Scots money the sum would have been trifling.

7 fathom of sinking and mining mynd at 4^{lb} ye fathom, £28." "For marking on of the stair sink a gallon of aill, 16s." "For setting on the stooolls theron 4 pynts, 8s." "To pay Tove for 6 ston 3 pound ye windoes (windlas) tow, 3^{lb}, 6s. 8d. per stone, £21." "For casting the stank, and bigging the damdyk, £8, 8s." &c.

The price of the load of coals was 2s. 2d. From "ane extract drawn out of this compt book of the wholl nct money and coalls for the Laird's use, produced be his coalierie from the first of June 1696 to the 18th of May, 1700, being 4 years conform to the particular instructions of this book," the total amounted to £11,384, 14s. 4d. Of this sum £733, 9s. 8d. were for coals for the Laird's use, or sent to Edinburgh, leaving £10,651, 4s. 8d. net money.

In 1686 (16th Dec.) the Laird of Niddrie had been admitted a Privy Councillor, a circumstance which Lord Fountainhall takes note of as indicating the policy of James VII. Though Sir John, his predecessor, consistently adhered to the Presbyterian form of government, yet the family seem always to have had a warm side to the house of Stuart; and more than one of them took part with King James at the Revolution. *James Wauchope*, half-brother of Andrew, joined Dundee, and no doubt fought under his banner at Killiecrankie, in 1689.* His name is included in the summons against those charged to appear before the Committee of Estates, "to answer for the treasonable rysing in armes and joyning with the Viscount of Dundie, a declaircd rebell," &c. May 15, 1689.†

Majors General *John* and *Francis Wauchope*, sons of *Francis*, only brother of Sir John Wauchope, also adhered to the fortunes of King James. "Colonel Wauchope's regiment" is repeatedly mentioned in the public transactions of 1689;‡ and his name occurs among those "rebells in France" remitted to the Justice Court to prosecute. Whether this was John or Francis does not appear, but probably the former, as he was usually styled "Colonel John."

Colonel Wauchop distinguished himself in Ireland, in opposition to King William, in 1690. In "Narratives illustrative of the Contests in Ireland in 1641 and 1690," edited by Mr Croker, and printed by the Camden Society in 1841, one or two interesting notices of him occur. The author of the narrative, which is couched under fictitious names, Col. Charles O'Kelly, says, speaking of the design of submitting to King William after the battle of Aughrim: "Scylla (Colonel Shelden), and Gildas (Lord Galway), were true Coridanists (Tyrconellists), so that Dorillas (Colonel Vaughan), a Pamphilian (Scotchman) by birth,

* The very minister of the parish of Libberton was Jacobitically inclined. He was deprived for not reading the Proclamation, and praying for King William. *Acts of Parliament*.

† *Acts of Parliament*. ‡ *Ibid.*

but zealous enough for the worship of Delphos (Rome), and seemingly then no less zealous for the Cyprian (Irish) interest, was the only general officer Lysander (Sarsfield) had to rely upon. 'Tis believed these two wrote more comfortably into Syria (France) than was suggested by the viceroy, and that they engaged to hold out to the last extremity in hopes of a powerful relief from thence of men, money, and other necessaries, to prosecute the war, which, if timely sent, had certainly preserved Cyprus (Ireland), and hindered such a powerfull reinforcement to join the confederate army against Syria (France)."

After the treaty of Limerick, in virtue of which the Jacobite forces were allowed to withdraw from the kingdom, some rather heart-rending scenes were witnessed between the Irish soldiers and their wives when about to embark. The *Dublin Intelligence* of 1691 gives perhaps an exaggerated account of the cruelty exercised at the shipping of the "poor Irish" at Derry. Under the circumstances, the women could not be allowed to follow the troops, who were, in reality, going as exiles from their native land, and Colonel Wauchope, himself an exile, had it not in his power to mitigate the harsh necessity by which the tender ties of family were broken asunder.

Both Col. John and Francis rose to high command in the French and Spanish services, which they supported with much honour and reputation. Their respective fates, however, were very different. "John, the eldest, though he was in as many engagements, and in as much danger as any officer of his rank, yet he never received a wound, or lost a drop of blood, until he was killed in the war of Catalonia, where he commanded the foot. But the other had the misfortune to be wounded in almost every battle, and sometimes in a dangerous manner; but, after all, died in his bed, Governor of Kayleart, in Sardinia, in the Spanish service."* Col. John† died in 1694; but Francis survived for many years afterwards. There is a letter from him to his cousin *James*, at Niddrie House, dated Marseilles, 8th May 1712." Both in language and orthography it bears evident marks of his long sojourn among foreigners:—

"Your's of the 15th X^{br} last, D^r. Cousin, came to my hands in this place, only some days ago, so Mr Whitford must have kept it long in his hands.

I give you many thankes for the chair you take in my promotion, and do not question it in the least, tho' must confess to have laboured sufficiently for this step, yet it's more than I deserve, and take your praises as I awght from one who is obliging on all occasions, but as for making the nixt step so sudenly, tho' the

* Rev. T. Whyte's Account of the Parish of Libberton. † Colonel was his rank in the British army.

most difficult be past, without occasions extraordinary, I cannot hope it but in my rank.

We are fare here from all newes, wh. we rather expect from your parts,* so you cannot from hence. We wait dayly for a confirmation of peace with you, wh. is much wisht for, since warr cannot content our necessitys, it's certain that both officers and soldiers wish it earnestly, which never was heard off before ; but bad payment being no less singular to France, brings this along with it—none receives but what supplys the necessity of liff, and requires economy, which fiew ever practis'd to the degree they are oblig'd too at present, only receiving billes for payment, and a 4th or 5th part in muny. The soldrs of lait are pay'd intirly an obsolut necessity appearing for it, and the Dixme giving the King this means it's hoped that it will even restablish all affairs in their former cours. It were to be wisht for many reasons. Those depriv'd me intirly of the means of answering your expectations and my earnest desir, in paying to my dr. cusin the muny he so kindly supply'd me with when prisoner, by any other means than the only left me, wh. was all the appointments due to me during my imprisonment, in billes, wh. I pleast in ye Town hows of Paris, as Mr Whitford desir'd me, the rent of wh. was to have been pay'd, and is the same as to all those who have reddy muny in the same place, and it has actwaly been receiv'd by all those in the cass, so I strang [wonder] Mr Whitford has not given you an account of it. The sume I pleast amounted to about 60^{lib} more than what I owed my cowsin, however I being perswaded if I had remitted him the sume oweing, he would have turned it to a much greater advantag than the uswal interest of muny. I neither remembr exactly what the sume was that I pleast nor owed, my papers being with the regiment. Whenever I am in a condition to pay, as I receiv'd, in the same kind, you may be surr I shal do it with a perfect pleasure. I was allredy inform'd of all you mention regarding your nepheu, and of your taking the hows and estat of Niddery into your hands, wh. I was extreemly glade off, and aproved much of the motives that oblig'd you to it.

I wish all health and happyness to my young cusin. His destine is great, if it may be thought so, by the rapport it has to the present K. of Spain. His predecessor's testament was not approved off, which has occasioned so much bleud shed as we have all ben witness too. However justice, by all appearance, will take place at last. I find further observations may be made nearer home ; by excluding all Catholic right, the nearer to it, and running to it the nixt in the

* Alluding evidently to the rumoured intentions of the Chevalier, which resulted in the rising of 1715.

Protestant line ; however, I am glade, since it is so, that he is fallen into such good handes as my cusin Edmiston's ; but as this last rapport may be rectefy'd in time, in it's injury, the occasion of my remarks may also change his doom.

I writt to you the just and extreem griff I receiv'd at the newes of his father's death, whos memory shall forever be dear to me.

I received a letter from Billy Gilbert inclos'd to me with yours.

Our Chevalier remain'd with us in his journy at the camp of Barreau a considerable time ; where I had offten occasion to make my court to him ; he was ador'd by all our generals ; when in this town great intertainment was made him and 8 of the principal ladys invited particularly : by Mr le C. de Grigueau's absence, and his daughter, consequently Miss Wauchope* found herself first in rank, to whom his Majesty shew'd all the civillity's possible. and was pleas'd to say many obliging things of me to the company, and a thousand times more than I can hope to deserve. My paper finishing, I must against my inclination do the same, and pray my D^r. Jeames to belive me his most faithfull cusin and obed^{nt} servant,

Fr. WAUCHOPE."†

The family circumstances alluded to in the above letter refer to the death of *William Wauchope* of Niddrie-Merschell in 1711—a few months after the death of his father—leaving a son, Andrew, his heir, only five years of age. By his will he appointed ten trustees, five of whom were Protestant, and five Roman Catholic. The severe enactments passed against “the Papists” about this time occasioned much annoyance to the Niddrie family, most of whom adhered to the old faith. William, the father of the young heir, and James, his uncle, were both Roman Catholics.

In the affair of 1715, or “Mar's year,” as it was called, preparations for which are alluded to in the letter of Francis Wauchope, it does not appear that any of the family were engaged ; nor yet in the later and more chivalrous undertaking of 1745. There are, however, in the charter chest, various printed and written documents in reference to both of these periods, which show that the family was not altogether uninterested in the passing events.

The Mansion-House of Niddrie, as already stated, is pleasantly situated on the banks of a little stream, which, rising in the Pentlands, flows into the sea at

* It is difficult to surmise to which of the branches of Niddrie this “Miss Wauchope” belonged. We are not aware that Francis himself was ever married. Col. John was not.

† Niddrie Charter Chest.

Magdalene Bridge. The ground is almost level, having a gentle rise westwards. Approached from the south, it appears bounded in the distance by the green slopes of the Pentlands, and immediately in the background by the fine old ruin of Craigmillar, while on the east Arthur's Seat towers up in majestic outline. It is thus, in some measure, protected on all sides, save the south, where the plain is open and extensive, and possesses a quietness and seclusion, amid the fine old trees that adorn the park, which inspires the visitor with a corresponding feeling of placidity. The older portion of the house, including the tower, was built—according to the MS. notes—by Sir John. It is possible, at the same time, that it had been commenced by his father. Be this as it may, it bears the date 1636, and has the initials “S. F. W. D. J. S.” [Sir Francis Wauchope and Dame Jean Sandilands,] on one of the windows to the south, and “S. J. W. D. A. H.” [Sir John Wauchope and Dame Anna Hamilton] on another. The style of building is precisely that which prevailed at the period—strength and elegance being combined. The tower is arched both below and above, and has a battlement, which could be used as a means of defence—and from which there is an excellent view of the surrounding country, particularly of the winding firth, and the lands beyond. The walls of the other apartments are equally characteristic of the age, being massive and strong. A broad and excellent scale stair—until the recent alterations—led upwards through the tower to the various apartments. The dining-room, still used as such, on the second floor, is a spacious apartment, lighted from the south. The ceiling is ornamented by finely executed stucco-work, with devices of Scottish royalty—in honour of the Restoration of Charles II.—bearing the date 1661. Above the large fire-place there is a portrait of Sir William Wallace,* painted on canvas, stretched and fixed in panelings on the wall—a fashion which prevailed in the seventeenth and beginning of the eighteenth century. Of this picture, very different from the popular representations of the Scottish hero, there is unfortunately no history. It has been in the house beyond the memory of any of the family, and is evidently of considerable age and excellence as a painting. A copy of this portrait appears, with the kind permission of the proprietor, as a frontispiece to “Wallace and his Times,” recently published, where some particulars are given respecting it. It is the same picture—emanating from the same source, if not the original—as is preserved at Priory Lodge, Cheltenham, belonging to a descendant of the Craigie-Wallace family. In the “Wallace Papers” it is said by the owner to have been presented to his ancestor, Robert Wallace of Holmston,

* It has an inscription intimating it to be the portrait of the great hero.

Sheriff of Ayr, by Lady Southesk, who picked it up in France. The portrait at Niddrie House is supposed to have been brought into the family through the marriage of James Wauchope, in 1710, with Jane, daughter of Sir William Wallace, Bart. of Craigie. Sir William was doubly connected with the Niddrie family. He had married, as his second wife, *Elizabeth Wauchope*; and *James*, her brother, was his son-in-law. He left no male issue, and was succeeded by his brother. He commanded a regiment of cavalry under King James, and followed that monarch when he retired to France. The Craigie family and estate suffered considerable dilapidation in consequence, and the picture in question may have found its way to Niddrie House during these troubles.* It appears in inventories a hundred and fifty years back, whereas the Priory Lodge Picture cannot be traced farther than about 1734, when Robert Wallace of Holmstou was Sheriff of Ayr. In the same apartment there are several portraits of the Wauchope family—the oldest of which are those of Sir John and the lady of his son, Andrew—fixed in pannellings to the wall. In inventories of the furniture in Niddrie House in 1707-11, the picture of "Wallace" is mentioned as an item by itself. In another, 1715, "13 fyne pictures of family and freindes," are mentioned, as in the "bigg dyning room;" but no particular notice of the portrait of Wallace occurs. In the "little dyning room," there are—

" 2 painted pictures : my brother Wm.'s and *Wallace's*,† in gilt frames.
 The King's picture in Taille-douce, and his coat of arms, fynely carved.
 A little miniature in carved croun upon the cupp board.
 A fruit piece in gilded frame.
 3 Taille-douce and a landskip in carved frames.
 28 other Taille-douce, some of them fyne ones, in black frames.
 A mapp of Paris, in black frame, upon the door-head without.
 Lord Sempil's picture.
 2 other large ditto by Medina."

There were various other pictures ; in the "Whyte Room :"

" 4 pictures with gilded frames.
 1 Taille-douce picture in the chimney."

In the "Green Room :"

" 2 large pictures by Sir John Medina :"

* Amongst the Niddrie papers there is a genealogical account of the family of Craigie-Wallace, in ms., down to 1719.

† This was possibly the portrait of Sir W. Wallace, Bart. of Craigie, his father-in-law. At all events, the picture of Wallace in the dining-room does not correspond in any way with the style of the period.

In the "Wester Room, off the Little Dyning Room :"

"26 Taille-douce pictures of several sizes in black frames."*†

On the north-east a wing was built by the grandfather of the present proprietor, and joined by a colonnade to the main house. This important addition contains, besides other commodious rooms, two lofty and handsome apartments, the library and drawing room, the walls of which are hung with numerous valuable paintings. Amongst the portraits is one of Robert the Bruce, but of its history we have no trace, and another of Queen Mary, said to be original. There are full-length portraits of Charles I. and his Queen, and four small half-lengths of the Chevalier and his consort, and their two sons, Prince Charles Edward and the Cardinal York, when in their boyhood. These are understood to have been forwarded direct from the Chevalier himself to the Niddrie family, as an acknowledgment of their loyalty and the assistance—pecuniarily as well as otherwise—which the "royal line of Stuart" had experienced at their hands. Great value is justly set upon these mementoes of a gallant but unfortunate race. There are also well-authenticated portraits of Montrose, Dundee, James VII.,‡ &c. Very considerable improvements have been made upon the mansion, both as to the interior and exterior, by the present proprietor.

The house fronts to the north, where, through the avenue, a fine view of the Lomond-law is obtained. The park is pretty extensive, and well studded with oak, chestnut, sycamore, and other trees. A very large sycamore, the largest of the kind in the parish, fronts the eastern wing of the house; and two stately

* Inventory written by James Wauchope, brother of William, recently deceased.

† No mention is made of a "Library" in the inventory. There is "a press for holding books," and "2 fir chests for books belonging to Dr Wauchope," in the "Tutor's Room," but no apartment designated, as in modern times, "the library." There is an "Inventair of Books taken by J. W. [James Wauchope] the 11th Feb. 1709," but it is perhaps only a fragment. It is as follows:—"1. 3 Tomes of the Byble in English, cost me £1, 3s. 8d. 2. Les Heures de Paris. 3. Two other Prayer Books. 4. Instructions for Confession and Communion. 5. A Spiritual Retreat, 2s. 6. Question of Questions. 7. Secret Policy of the Jansenists. 8. The Gentleman's Calling. 9. The Present state of Rome, or the Lyses of Clement II., Albani and Cardinals, 4s. 6d. 10. Maximis of Venice, 2s. 11. De Witt upon the True Interest of Holland and West Frisland, 6s. 12. Sir Josiah Chyld upon Trade, 2s. 6d. 13. B. R. Colinson's Idea Rationaria. 14. J. Weir's Ready Accomptant, 2s. 6d. 15. A Scots Book of Rates. 16. A Vademecum, and Sir Samuel Morland's Perpetual Almanack. 17. W. King's Art of Love, 4s. 18. Muses Mercury, 1707, 7s. 19. Tome Brown's Works, in 3 volumes, 15s. 20. Collier's Dictionary, 2 vols., 10s. 21. Cole's Dictionary in English, 1s. 6d. 22. A French and English Dictionary, 7s. 23. History of England from the beginning of Queen Anne's Reign to the end of the Treaty of Union, 4s. 6d. 24. Letters from the Dead to the Living. 25. Johu Oldham's Works.

‡ Of this Monarch there is a very interesting memorial preserved at Niddrie House. It is a small quantity of his hair, enclosed in paper, and inscribed "K. J. 7th's hair." The exiled King, grandfather of Prince Charles, died in 1701, in the 68th year of his age. The hair is grey, with a dark shade. The label is in the hand-writing of James Wauchope, tutor of Niddrie.

planes mark the carriage way to the main entrance. Bounding the garden wall westwards, there is perhaps one of the largest holly hedges in Scotland. It is upwards of thirty-six feet in height, and thick and strong in proportion. There are, besides, numerous single holly and yew trees of large dimensions, all of which bespeak the antiquity of the manor place.

A new garden has recently been enclosed on the south-west of the house, and the old ones, part of which will be thrown into the park, thereby opening up and giving a more airy appearance to the house, are undergoing a thorough remodelling.

Until recently there was only one approach, from the north-east; but another lodge has been built at the south-eastern extremity of the park wall, and a new carriage drive formed, with a bridge over the rivulet, which thus give access from the south as well as the north, and add considerably to the beauty of the domain. Various other alterations are in progress, which will vastly improve the grounds.

Of the antiquities connected with the barony of Niddrie-Merschell, some account is given in Whyte's Parish of Libberton. He says that "not many years ago, in the grounds belonging to the North Mains were found, in different places, sepulchral stone enclosures, with human bones of a very large size. It appeared that the feet had been deposited towards the south," a proof of the antiquity of their sepulture. He also mentions that "east from the house and plantations, and on the north side of the public road, is a rising ground, or tumulus, called the Law Know, where, in more early times, judgment was dispensed, and where probably certain acknowledgments were made, by those who held of the baron." This knoll does not now exist.

What is known locally, if not in history, as "the rencounter at Niddrie Edge," between Alexander Lord Home and Francis Earl of Bothwell, occurred at a place so called on the south of Niddrie House, in April 1594. Each had a considerable number of followers. Home was defeated.

GENEALOGICAL.

WHATEVER conjectures may be indulged in as to the more remote ancestors of the Wauchopes of Niddrie-Merschell, there can be no doubt as to the existence of

I. Gilbert Wauchope, who had a charter "of the lands of Niddery" from Robert III., whose reign extended from 1390 to 1406.*

II. Patric de Wachope and Isabel his spouse are mentioned in the Acts of the Lords Auditors, 6th Nov. 1470, as pursuing George Lord Setoun "for the spolicion and takin of twa oxin of the lands of Grenediks perteining to the said Isabell, be resoun of terce and thrid, and takin be the said lord for the malis of the said lands, be resoun of gift made to him of the warde of the said lands," &c. The Lords Auditors found that Lord Setoun had done wrong, and ordained him to return the oxen.† Though not designed by the property, there is every probability that they were of Niddrie-Merschell. They could not be of Wauchope in Dumfriesshire, for that belonged to the Lindsays, nor of Wauchope in Roxburghshire, for that property had passed to the Glendouwins. The lands of *Greenside*, which may be the modern variation of *Greendiks*, are in the vicinity of Niddrie-Edge, and the inheritance of the Setons lay chiefly in Edinburghshire, and not far distant. The lands of Greendiks belonged to Isabel in life-rent, and Lord Seton was her ward, or guardian.

III. Archibald Wauchope of Niddrie-Merschell had sasine of the Crown lands of Pilmer, in favour of himself, and Gilbert, his son and heir, and Isabella his (Gilbert's) spouse, 3d June 1489.‡ He was tutor to Archibald Quhitlaw, and at his instance James Hering of Tulybole was ordained by the Lords Auditors, 28th April 1491, to pay to Quhitlaw xii merks of mail. He was, about the same

* Robertson's Index. Only a few of the charters in this Index now exist. Had this charter been accessible it might have thrown some light on the ancestry of Gilbert.

† Acta Auditorum. ‡ Broughton Regality Records.

time, (16th March 1490,) in a suit before the Lords Auditors, against the Laird of Wauchton, respecting the lands of Houston, in Haddingtonshire, which were claimed by both, the one in virtue of an assedation from "frier Alexander Blith," and the other of one from "frier Thomas Diksone."* Niddrie seems ultimately to have gained his point. He had a tack of the teind sheafs, or tithes, of the lands of Nudry-Merschell, from Robert, Abbot of Holyrood, dated 11th June 1493.† Patrick Hering, *dominus de Gilmertoun*, granted a charter in favour of Archibald Wauchope of Niddrie-Merschell and Eufeme his spouse, of the two merk lands in Gilmertoun, dated 4th Feb. 1498.‡ This charter is witnessed by *Mr David* and *Mr William Wauchope*. They are not designed, but they were no doubt, from the title *magister*, ecclesiastics, and connected with the Niddrie family. Archibald, with consent of his spouse, Euphamie Skowgall, granted a charter of mortification of twelve merks yearly from the lands of Pylmure, together with a house and an acre of land, as a glebe and manse, and the pasturage of two cows, for the support of a chaplain of the Holyrood altar founded in Niddrie, dated 2d Feb. 1502.§ He and Gilbert, his son and heir, had sasine of the office houses, and part of the lands of Houston, 18th Sept. 1502.|| He had a crown charter of the three husband lands called Boggisland, in Gilnerton, 27th March 1503;¶ and he had sasine of his part of the lands of Gilmerton, 4th Jan. 1507. Besides his heir,

1. Gilbert, who succeeded,
he probably had
2. Robert, Archbishop of Armagh, who died at Paris, on his way home from the Council of Trent, on the 10th Nov. 1551. Amongst the older documents in the Niddrie Charter Chest, partially destroyed by fire, there are three which have reference to him. One of them is an instrument of installation to the vicarage of Keith-Humbie (now Humbie parish) in Haddingtonshire, dated 11th April 1527. The other two are connected with his presentation to the prebendary of Ruffil, by George, Bishop of Dunkeld, on the decease or demission of "Magis. Dauid Wauchop, ultimi prebandarij possessoris eorund," who was probably his uncle. The Laird of Niddrie-Merschell acted as his procurator. His Christian name is obliterated, but it was no doubt Gilbert, his brother:
" . . . auchop de Nidry-Merschall procuratori et eo nomine

* Acta Auditorum. † Niddrie Charter Chest. ‡ Ibid.

§ Register of the Great Seal. || Broughton Regality Records. ¶ Register of Great Seal.

venerabilis et egregij viri magistri Roberti Wauchop." The documents are dated in 1529. According to Mackenzie's account of the Archbishop, we would be inclined to think that the most of his time, prior to being called to Rome in 1535, had been passed in Paris, but the documents before us show that this was not the case.

3. Margaret, married to William Dundas of Dundas, who succeeded his father, 16th March 1494.*

[In the reign of James IV., *Gilbert* and *George* Wauchop are witnesses to a bequest by Bernard Bell, of four merks of annual from the lands of Alan Wilsone, Leith, to the Abbey of Melrose.† They were probably sons of Archibald.]

IV. Gilbert Wauchope of Niddrie-Merschell had a charter, as heir-apparent to Archibald, 6th Nov. 1504, and a charter of confirmation, from James IV. of the "villae de Gilmertoun," 15th Dec. 1504.‡ He must have been twice married, first to *Isabella* ———, mentioned in the sasine of 1489; 2dly, to *Janet Ker*, but of what family does not appear.§ In the charter chest there is a discharge from the superior and convent of Kelso, to *Janet Ker*, Lady of Niddrie, of the "malis and fermes" of the Kirk lands of Humbie, and the two parts of the Kirk of Duddingstone, 22d July 1515. Another discharge is from Thomas, Abbot of Kelso, to *Janet Ker*, spouse of Gilbert Wauchope of Niddrie-Merschell, for the rents of the same lands, dated 30th March 1518. There is an instrument of resignation, by Patrick Hering, of the lands of Ladyland, in the county of Edinburgh, in favour of Gilbert Wauchope of Niddrie, dated in 1520.|| Gilbert was involved in the feuds with the Edmonstons and Wauchtons. In 1534 (3d. Nov.) he had a mandate from Pope Paul III. to the Provosts of the churches of Dunglas, Setoun, and Dalkeith, to confirm to him, by apostolic authority, the lands of Quhitinche and others granted to him by the Abbot of Holyrood. In 1534-5 (Jan. 15) Sir Patrick Hepburne of Wauchtoune, knt., and thirty-four others, found security to underly the law for "umbesetting" the highway for the slaughter of Gilbert Wauchope of Niddry-Merschell. The old feud about the lands of Houston property had been whetted by the grant of Quhitinch. In 1535 (28th April) he had a protection for himself and family, from James V. He had sasine of Whytrig, Wallaceflat, &c., 25th Oct. 1536; also of Overmosshouses, 9th April 1537. In 1539 (21st March) he had to issue a summons of eviction against Hepburne

* Douglas Baronage. † Cart. of Melrose. ‡ Niddrie Charter Chest.

§ From a mutilated document in the Niddrie Charter Chest, she seems to have been the relict of Richard Lawson in Humby. It is a "Tack of the lands of Cummer, by the Abbot of . . . to Janet Ker, and James Lawson, her son, relict and heir of the late Richard Lawson, in Humby—"

|| Niddrie Charter Chest.

and his tenants, "occupiers of the lands of Quhitinche;" and Paul III. had again (3d May 1539) to issue a mandate in his favour.* Gilbert took an active part in promoting the Reformation, and frequently filled the office of Deputy-Marshal in Parliament, from 1527 to 1535.†

He was dead before 1540. He had issue—

1. Gilbert, who succeeded.
2. William, mentioned in a deed respecting the lands of Pointadois in 1540. He was probably the deputy-marshal of Parliament, 11th March 1538.
3. Euphame, married, in 1529, to Sir John Edmonstone, kn.^t of Edmonstone.

In that year (15th Nov.) she had a charter of confirmation of a life-rent from the three-part lands of Niddrie-Merschell. She had another (8th April 1550.)

There is a procuratory, dated 18th Sept. 1553, granted by James Dundas of that Ilk, to Robert Spady and James Dawling, to make lawfull intimation to John Edmonstoun of that Ilk, and *Eufame Wauchope*, his spouse, to compear into Saint Giles' Kirk of Edinr. upon the 10th day of Nov. 1553, and there, upon Saint James's altar the apostle, situate within the same, to receive 700 merks for redemption of an annual rent of £42 money Scots yearly, uplifted out of John Mowbray, ffiar of Barnbougall, his lands of Little Barnbougall, to the reversion of which annual rent the said James Dundas acquired right from the said John Moubraif—with intimation on the back thereof, dated 26th Sept. 1553.

4. Katherine, married to William Liddail of Halkerston, was, we should suppose, another of Gilbert's daughters: "Willielmo Liddaill de Halkerston, et Katharine Wauchop, ejus sponsa," had a charter of the lands of Alybank, in Selkirkshire, 12th Jan. 1552.‡

Gilbert V. Gilbert Wauchope of Niddrie-Merschell, and Alisone Hamilton, his spouse, had, as heir to Gilbert his father, sasine of the lands and barony of Niddrie, 18th May 1537.§ There is a band anent the ratification of the lands of Pointadois, in the lordship of Stow, by Peter Cornwell of Grenhard, to Gilbert Wauchope, son and heir of the late Gilbert Wauchope of Niddrie, and his brother, *William*, to be held of David, Archbishop of St Andrews, dated in 1540.|| He had sasine, as heir to Gilbert, his father, of the lands of Pilmuir, 7th May, 1542.¶ There is a crown charter, by Queen Mary, to "Gilberto Wauchope de Nudry-Merschell, et Alisone Hamiltoun, ejus conjugi, de certis partibus terrarum de Nudry," 11th April 1549. The same parties had another charter from Queen Mary, "de parte terrarum de

* Niddrie Charter Chest. † Acts of Parliament. ‡ Great Seal Register,

§ Gen. Retours. || Niddrie Charter Chest. ¶ Broughton Regality Records.

domicilium de Nudry-Merschale," 7th June 1550.* In 1556 (28th May) Gilbert Wauchope of Nudry-Marschell was on the assize of John Somerville of Cammethane, tried for oppression, &c.† He and his spouse had sasine of the lands of Burnhouses and Corbane, 7th Oct. 1566.‡ There is an instrument of sasine of ten merks of annual rent of the lands of Whitehill, to Gilbert Wauchope of Niddrie-Merschell and Alisone Hamilton, his spouse, and Effame Wauchope, their daughter, dated in 156-.§ Gilbert and his son and appearand heir, *William*, had a tack of the teind sheaves of Niddrie and the mains thereof, for nineteen years, from Robert Stewart, Commendator of Holyrood, dated 19th August, 1568.|| Alisone Hamilton, spouse of Gilbert Wauchope, was a daughter of Hamilton of Innerwick. He died in August 1571.¶ The inventory was made and given up by Alisone Hamilton, whom he constituted his sole executrix. Including the amount of inventory goods, stock, corn, &c.—and debts owing, he left £305*4*, 2*s.* 8*d.* Scots, to be divided according to his latter will, dated "at Nudry the 27th May 1571," as follows :—"Imprimis, to Margaret Wauchope, his neice,** dochter to Gilbert Wauchope, his sone, ane hundred merks. Item, to Ker, my neice, dochter to vñquhile Katherine Wauchop, my dochter, spous to Robert Ker, her dochter father, ane vther hundred merks. Item, leive the haill rest of the thrie thousand awand me to Alesoun Wauchope, young Lady Greneherd,†† and to Eufame Wauchope, my dochteris, to be equalie devidit betwix thame." His widow died in 1589. Her will is recorded 13th June 1590. They had issue—

1. William, designed of Houston, who succeeded. In 1554, (8th March), he had sasine of the lands of Niddrie, Pilmuir, Gilmerton, &c., with an annual rent of four merks.‡‡ Jan. 28, 1556, William Wauchop, sou and heir apparent of Gilbert Wauchop of Nudry-Merschell, and others, found surely to underly the law for killing wild fowl (game) with culverinis and pistolettis, from May 1552 to Nov. 1556. §§
2. Gilbert. There is a crown charter from James VI. to "Gilberto Wauchope de Stottencleuch, et Jonetæ Symson, ejus sponsæ, terrarum de Stottencleuch, Haddingtonshire, and Edinburgh, 25th June 1592."||| Gilbert seems to have been succeeded by his son, *William*, whose brother, Gil-

* Great Seal Register. † Criminal Trials. ‡ Niddrie Charter Chest.

§ Charter Chest—document partially destroyed. || Niddrie Charter Chest.

¶ His will is recorded 1st Dec. 1573.

** She was not his *niece*, hut his grandchild. In the same way *nephew* was employed to signify grandchild as well as brother's son.

†† The same property, no douht, mentioned in the ratification of 1540.

‡‡ Niddrie Charter Chest. §§ Pitcairn's Criminal Trials. ||| Great Seal Register.

bert Wauchope in Goddiscroft, was set upon on a Sunday night in Aug. 1608, when he was without arms, and slain by William Nisbet in Newton Leyis, and others. His widow, Marion Heislop, and William, his brother, were the pursuers of Nisbet before the Lords of Council and Session, 9th Sept. 1608.* He had also a daughter, *Margaret*, mentioned in the legacy of his father. The will of *Alexander Wauchope* of Stottencleuch is recorded 29th June 1647.† Another *Alexander Wauchope* of Stottencleuch appears in 1695; and *Alexander Wauchope* of Stottencleuch occurs as one of the heritors of East Lothian, in a petition, May 27, 1700.‡ *Wauchope*, elder and younger, of Stotincleugh, are in the Commission of Supply for Haddingtonshire, 1704.§ The descendants of this branch of the Wauchopes are said to have kept a toy shop in Edinburgh.||

3. Abraham. There is an instrument of redemption of an annual rent of ten merks, furth of the lands of Niddrie, from *Abraham Wauchope*, by *William Wauchope* of Niddrie-Merschel "suo fratre" 1574.¶ He appears as a witness, and is styled "Abrahamo Wauchop, filio Domini Gilberti Wauchop," in a charter by Gilbert to his daughter Eufamie, of the lands of Burnhouses, in 1566.**

4. John Wauchope, in Niddrie, (brother of *William Wauchope* of Niddrie-Merschell) and *Eliza Dundas*, his spouse, had sasine of an annual rent from the lands of Niddrie, 22d April 1582.†† There is a lease of the vicarage teinds of Newbigging, belonging to the vicar of Pennycuick, by *William Pennycuick*, parson and vicar of Pennycuick, to *John Wauchope*, baillie of Nudry-Merschele and his heirs, 29th Dec. 1593 ;‡‡ and he had an assignation of the teinds of Niddrie from Sir James Sandilands of Slamanno, 3d July 1599. "The Bailie of Nudrie's sons were nocht to supply him"—that is, they were not to assist *James Wauchope*, son of Gleghorne, in his duel with Auchmuttie. "*William Wauchope*, sone lauchfull to vmquhile Johne Wauchope, bailie of Nudrie," was dilatit for the slaughter of *John Symson*, messenger in Edinburgh, &c., Nov. 19, 1602. The Niddrie family were under forfeiture at the time, and it is probable that this slaughter arose out of the

* Pitcairn's Criminal Trials. † Commissary Records. ‡ Acts of Parliament. § Ibid.

|| Family Tree. ¶ Niddrie Charter Chest. ** Ibid. †† Broughton Reg. Rec.

‡‡ Niddrie Charter Chest.

legal proceedings and irritation consequent thereon. William was tried for the offence, and beheaded at the Cross of Edinburgh.*

5. Adam, who acquired the property of Caikmuir, in Berwickshire. He was an advocate. Adam Wauchope of Caikmuir appears as one of the *prolocutouris* in the trial of Alexander and Olipher Sinclair, for the slaughter of the Earl of Bothwell's servant, 17th Dec. 1565: and he and others were "continued to the Justice Aire of Edinburgh," for abiding from the Raid of Leith in 1571. He died in 1578: his will is recorded 4th July of that year. He was succeeded by his son, *Adam*, who had a charter of the lands of Little Blackburn, 10th Dec. 1576.† In that document he is styled heir-apparent of Adam Wauchope of Caikmure. He came under the law for abiding from the Raid of Dumfries in 1587.‡ His will, made up by himself in 1647, is recorded 1st May 1649. *Agnes Murray*, his relict, was executrix for *Walter* and *Isabella*, their two youngest bairns. Mention is made of Margaret, dochter natural to *Knight Robert Wauchope*,§ and another daughter, named *Agnes*. In a deed|| of George Wauchope of Peniele, dated 23d Feb. 1664, he is said to be brother german to *Patrick Wauchope* of Caikmuir, which Patrick was probably father of "John, the macer," so styled from being a macer in the Court of Session. He had a charter from Charles II. of certain lands in Eyemouth, Berwickshire—"Carta confirmationis Joanni Wauchope, clavigeri, terrarum in Eyemouth, 28th Jan. 1669." He died in 1684. His will is recorded 15th April of that year; and that of *Jonet Aikenhead*, relict of John Wauchope of Kaikmure, 16th Aug. 1701.¶ His son, *Francis*, was served heir to him in 1684—"Franciscus Wauchope, haeres Joannis Wauchope de Cakemure, unius ex quatour clavigeris ordinariis coram Dominis Concilii et Sessionis, patris," 1st March 1684. On the 27th May 1690, he was also served heir to his father, in the lands of Hill, "et decimis garbalibus," in the parish of Newton and regality of Musselburgh. Francis married *Vere Bothwell* of Glencorse, sister of Margaret Bothwell, great-grand-

* Criminal Trials. † Great Seal Register. ‡ Criminal Trials.

§ This is probably the individual alluded to in Chambers' recent work, "The Domestic Annals of Scotland," which says:—"Robert Wauchope of Caikmuir, a suspected Papist, was accused before the Presbytery of the crime of going yearly barefooted in pilgrimage to the cross of Peebles, meaning possibly the church of the Holy Cross there. He confessed that he had been accustomed to do so formerly, but for some years had given up the practice, as a rite unprofitable and ungodly."—*Presbytery Records*, 1591.

|| General Register. ¶ Commissary Records.



mother of Sir Robert Menzies of that ilk, by whom he had a large family—seven sons and five daughters. He had a brother, *Gideon*, who was one of the Commissioners for Roxburghshire in 1644.* *Henry*, the son of Francis, succeeded. He made a large addition to the mansion-house, in 1761, part of which was never finished. *Andrew* was the last laird of Caikmuir. In a letter by William MacEwan, W.S., addressed to Andrew Wauchope of Niddrie, dated 10th June 1794, he says: “Since Mr Wauchope of Cakemuir’s death, Mr Menzies, Mr Mercer, and I have inspected such repositories as were pointed out to us, in which we have found the title-deeds of his estate, and the scroll of a deed of trust, and destination of it failing issue of his brother and sisters. Should this deed not cast up executed, of which I confess I have now but little hope, it will be a great loss to Mrs Wauchope, who was thereby to have had the total life-rent; as also to your second son, who was to have got the lands with the burden of debts, and two legacies, in the event I have mentioned. I can now show and explain to you satisfactorily the connection between your families (which is not remote,) from written evidence, and will give you any other information I can,” &c. In another, dated 21st May 1795 or 1796, he says:—“I send herewith the letter of invitation for my worthy friend’s funeral, for your signature. And to save trouble to you at our meeting, I submit a plan for the supporters of the pall to your consideration and revisal. Dr Drummond is the husband of the only daughter and heiress of Mr Wauchope’s uncle, Mr Menzies his aunt’s son, Mr Neil Ferguson, advocate, his second cousin, and Mr Northland the husband of his second cousin by his mother; so situated I regret we have not room for your neighbour Edmonston, (or any of your own two sons, who, if at home, and convenient, are expected) which be so good as explain to him in your own justification and mine, and say if there is anything further in point of order I can do in honour of the memory of my much esteemed friend, and in justice to your good self. P.S. I observe I omitted to mention that the gentlemen nominated to the *left*, are the brother-in-law, nephew, and nearest relations of Mrs Wauchope. If you wish to have your son’s seal used, the bearer may be entrusted with it. I brought Mr Wauchope’s own to-day from Dalkeith, and which I shall preserve with care for whoever he has nominated to succeed him after his brother.”† This letter evidently refers to

* Acts of Parliament. † Niddrie Charter Chest.

the death of Mrs Wauchope of Caikmuir, who survived her husband scarcely a twelvemonth. From the same correspondence it appears that the sister, Miss Wauchope, was for some time in ill health, and died in 1808. The deed of settlement alluded to by Mr MacEwan not having been executed, the estate of Caikmuir fell to the Crown, from which “the old laird of Niddrie [Captain Andrew Wauchope] obtained a grant of the property, which was afterwards sold.”*

6. George, a merchant and bailie in Edinburgh. In the sasine of the lands of Burnhouses and Corbane given by “George Wauchop, bailie in that part,” to Gilbert Wauchope and Alisone Hamilton, in 1566, he describes himself as son to Gilbert Wauchop: “Insuper delecti meis Georgeo Wauchop, filio Gilberti Wauchop de Nidry-Merschell.” He had a charter of the lands of Gleghorne, Haddingtonshire, in 1592: “Carta confirmacio Georgii Wauchop, mercatoris burgensis de Edinburgh, terrarum de Gleghorne, Had. et Edin. 25th June 1592.”† One of his sons, *James*, was slain, “at the combat, in St Leonard’s Hill, on the 20th April 1600 (a Sunday) by Robert Auchmuttie, barber,” (barber-chirurgeon.) Each of the combatants had two followers. The “Baillie of Niddrie’s sons” were James Wauchope’s seconds. The duel, originating in some insulting words, while in company in the city, was fought without license. Auchmuttie was tried, condemned, and beheaded. The pursuers were the deceased’s father, George of Gleghorne, and *George*, his brother. Auchmuttie had nearly effected his escape, having removed one of the prison window stanchions by the use of vitriol. He was detected when about to descend. The trial is the first recorded for duelling. There were lengthy pleadings on both sides. James VI. had a great dislike to the use of the sword, especially in single combat.‡ George Wauchope and his son had another charter of the lands of Gleghorne, 6th Jan. and 12th July 1611.§ *William Wauchope* of Gleghorne, and his spouse, had a charter of these lands, 2d Feb. 1629. George Wauchop, burgess of Edinburgh—probably of this family—was sent on a special mission to the King, in London, 26th Feb. 1640, respecting the position of public affairs at that time. The King, however, would not listen to the Commissioners.||

6. Alesoune, Lady Greneherd.

* Family Tree. † Niddrie Charter Chest.

‡ Criminal Trials. § Great Seal Register. || Guthrie’s Memoirs.

7. Eupheme, married to Henry Halyburton of Merton: "Euphemia Wauchop, future spouse of Henry Halyburton," appears in a precept of *clare constat*, by David, Commendator of Dryburgh, 30th Dec. 1574.* She had a charter of the lands of Burnhouses, from her father, 9th Nov. 1566.†

VI. William Wauchope of Niddrie-Merschell. He married, 1st, Anne daughter of Hepburn of Wauchton,‡ by whom he had *Robert*, his heir; and 2dly, 1560, Margaret, widow of Sir James Dundas of Dundas,§ daughter of Sir James Sandilands of Calder, and sister of the first Lord Torphichen. He probably succeeded before the death of his father. There is a precept of *clare constat*, by Adam, Bishop of Orkney and Zetland, for infesting William Wauchope of Nudry-Merschell in the four merk lands of the barony of Ahammer, or Quhitinch, in the constabulary of Haddington, 1563.|| As grandson of Gilbert Wauchope of Niddrie, he had sasine of the four merk lands of Ahammer, 6th April 1577.¶ On the 15th June of the same year, he was one of the assize on the trial of John Semple of Beltrees.** There is a blank charter, by Mr Thomas Hay, minister of the House of the Holy Cross of Peeblis and Houstoun, superior, to William Wauchope, of Niddrie-Merschell, and *Robert* Wauchope, his son and heir apparent, and Margaret Dundas, his spouse, of the lands of Houston, &c., 1574.†† There is also an instrument of redemption of the ten merks annual from the lands of Houstoun, in Haddingtonshire, belonging to William Wauchope of Niddrie-Merschell, from Mr Alexander Syme, advocate, for which Niddrie paid 100 merks, 1st May, 1578.†† There is

* Cart. of Dryburgh. † Niddrie Charter Chest.

‡ We find no authority amongst the Niddrie papers for this marriage; but the contract of marriage and other documents in reference to it may have been destroyed. In the Menteith Bore Brieve,* it is said that Robert Wauchope, the father of Mary, who was married to Gavin Sandilands of Lumfodda, was the son of Gilbert Wauchope of Niddrie-Merschell and Anne Hepburn; but the brieve is as far wrong in this statement as it is in making Alisone Hamilton the wife of Robert, and the mother of Mary Wauchope. It is probable, however, that Anne Hepburn was married to some of the Lairds of Niddrie, and William appears to be the only one to whom she could have been united. In Burke's Landed Gentry, the marriage is said to have occurred in 1560, but this could not have been the case, more especially as the same authority makes the son, Robert, marry *before* his father—in 1558.

* Niddrie Charter Chest.

§ She was a widow in 1556: "tack of the lands of Newliston to Dame Margaret Sandilands, relict of Sir James Dundas of that Ilk, and her heirs, from John, Lord of St John's, Knyt. 15th Oct. 1556." Sir James died in 1553, in which year (13th Aug.) he made a disposition of the silver plate in Dundas Castle in favour of Elizabeth and Jane Dundas. The valuables enumerated were—"Twa pieces of siluer, of fourty-four vnces; ane peis of siluer, of fourteine vnces; ane saltifat of siluer, of sixteine vnces; ane vther saltifat of syluer, of thre vnces; ane maser of siluer dowhill gylt, of fourteine vnces; ane lawar of siluer of twenty aucht vnces, or neir hy; ane cowpe of siluer, of thretty thre vnces; nyne syluer spwnis of thretteine vnces or neir by."*

* Niddrie Charter Chest.

|| Niddrie Charter Chest. ¶ Broughton Regality Records. ** Criminal Trials.

†† Niddrie Charter Chest. †† Ibid.

thus ample proof of the lands of Houston having belonged to the Niddrie family. In 1579 (22d Sept.) William and "Dame Margaretta Sandilandis," his spouse, had a charter from James Richardson of Smetoun, of the lands of Cauldcottis, and the coals of Wowmet.* Jan. 14, 1581-2, he was on the assize of George Hume of Spot, tried for the murder of Henry Darnley.† What the connection was between William Wauchope and Alexander Syme, advocate, does not appear; but the latter had a sasine, dated 15th August 1582, in favour of himself in life-rent, and William Syme, his son, in fee, of an annual rent of £20 Scots; to be uplifted yearly from the lands of Niddrie-Merschell, proceeding on a charter of alienation granted to them by William Wauchop of Niddrie-Merschell.‡ He and his son had sasine upon this charter, 15th Aug. 1586. Though William's name does not occur in connection with any of the feuds at the time, yet he had a protection from Queen Mary, dated 8th May 1555. He died in 1587, as appears from the inscription on his tomb in the vault at Niddrie House—"Haer·lyes·ane·honorabil·man·William·Wauchop·of·Nidre·Merschil·quha·deceisit·the·vi·day·of·Februar·1587." He had issue—

1. Robert, who succeeded. He seems to have been styled of Houston, before his father's death. He is so designated in a paper, partially destroyed, dated 1579.
2. Gilbert. "Precept of seisin of the lands of Quhitinche, in Haddingtonshire, to *Gilbert*, son of William Wauchope of Nidrie-Merschell, by Adam, Bishop of Orkney and Commendator of Holyrood," 1576.
3. George, Professor of Civil Law at Caen, in Normandy, was, in all likelihood, a son of this Niddrie.

VII. Robert Wauchop of Niddrie-Merschell married, 1st, in 1558, Margaret Dundas, daughter of his step-mother, by whom he had—

1. Archibald, his heir.
2. Mary, married in 1583, to Gavin Sandilands of Lumfodda.

He married, secondly, Margaret, daughter of Sir James Douglas of Drumlanrig, ancestor of the Duke of Queensberry, widow of William, Earl of Menteith, and of Edward Crichton of Sanquhar,§ by whom he had probably—

1. William, tutor of Niddrie. He is mentioned as such in a document of 1601. "Jan. 4, 1603, Williame Wauchope, brother to vñquhile Archibald Wauchope of Nydrie, dilatit for the slaughter of David Edmonstoun of the Wowmet," "Feb. 2, 1603, Williame Wauchope, son to vñquhile

* Niddrie Charter Chest. † Criminal Trials. ‡ Niddrie Charter Chest.

§ Douglas' Peerage.

Robert Wauchope of Nydrie, banished furth of the realm.”* Again, in a contract between Sir James Sandilands and the Laird of Niddrie, [Francis] in 1608, he is styled his “father brither.”

2. George Wauchope, “brother to vmquhile Archibald Wauchope, apperand of Nudrie-Marschell, [was also] dilatit of airt and pairt of the slaughter of vmquhile David Edmistoun of Wowmet, committit in Januar 1596,” and tried August 1598.†

The Laird of Niddrie was a zealous supporter of Queen Mary; and he and his son, Archibald, were deeply engaged in the feuds of the times. Both of their names appear in the “charge aganis personis denunceit rebellis,” 12th June 1587.‡ Robert had sasine of the lands of Niddrie-Merschell, 2d Dec. 1589.§ There is a remission to Robert Wauchope of Niddrie-Merschell, for airt and pairt in the slaughter of John Edmistoun, the brother of David Edmistoun of Wolmet, and in the mutilation of George Davidson in Charterhouse, 3d Dec. 1593.|| In July, 1592, the Lairds of Niddrie and Samuelstone, as related by Birrel, were captured by John Lord Hamilton, and carried before the King at Edinburgh. They were not discharged at that time; but had their liberty soon after—in the same year. Robert Wauchope must have died before 1601, on the 16th January of which year, *William* is mentioned as “tutor of Niddrie” in a horning against William Fenton, maltman, Canongate.¶

Archibald, his heir, died before him. He was of a bold and reckless humour, and took up the feud against the Edmonstoun with great keenness. He was engaged in the slaughter of James and John Giffart of Sheriffhall—of Robert Caise, in Dalkeith, and of John Edmistoun, brother of Womett, in 1588.** In May the following year, while lying in wait at Bridgend for the Laird of Edmonstoun, the latter, with a large party, surrounded the house, and the King having been apprised of the circumstance, he and his party were summoned to come forth under the pain of treason. They did so, and were conveyed to prison in Edinburgh. Next day they were put on trial for the slaughter of Sheriffhall and his brother. About a thousand persons were present at the trial, which took place in presence of the King in the Tolbuith. The “candles were putt furth about ellevin houres at night,”†† when young Niddrie and his party escaped out of the windows, through the connivance of Sir James Sandilands, as was generally understood. In 1590, while the King was absent, on his matrimonial visit to Denmark, young Niddrie slew a gentleman depending upon the Abbot of Holyroodhouse,

* Criminal Trials. † Ibid. ‡ Acts of Parliament. § Niddrie Charter Chest.

|| Niddrie Charter Chest. ¶ Canongate Records. ** Criminal Trials. †† Calderwood.

because, as Calderwood avers, he had reproved him for striking an officer of arms. He was an adherent of Francis Stewart, Earl of Bothwell, who continued so much to disturb and annoy the government of James VI. He was one of the Earl's followers, who broke into the King's palace at Holyrood, on the night of the 27th Dec. 1591, and put his majesty in so much bodily fear. They missed the object of their hatred, Maitlaud the Chancellor, and retired without doing much mischief. For this offence he was "forfaulted," along with the Earl of Bothwell and his accomplices.* The Rev. Mr White, in his account of the parish of Libberton, says "Mr Wachope escaped, and soon received his majesty's pardon, as he was very young, and supposed to be under the influence of Bothwell." This does not appear to have been the case, for his name is included in the list of persons disinherited for the offence in 1592.† Archibald, and John Wauchope, bailie of Niddrie, his uncle, were both in the summons of treason, May 29, 1592; and, Dec. 27, 1593, Archibald, who did not appear, was denounced rebel.‡ The MS. notes of the family say that Archibald maintained a large following, and that the old house of Niddrie was capable of containing a hundred strangers. His fate was characteristic of his stormy career. While in concealment in Skinner's Close, Edinburgh, his servant gave the alarm that his enemies had surrounded the house. With the view of escaping, or destroying himself, rather than be taken, he sprang out of a storm-window, and, in falling, broke his neck. This must have occurred before 1598, in which year he is spoken of as the late Archibald. He therefore predeceased his father, and, of course, never succeeded to the property. He married, in 1584, Rachel M'Gill, daughter of Sir James M'Gill, Knt. of Rankeilor, and widow of Stewart of Rosyth. He was under forfeiture in 1592, when, on the petition of his spouse, Parliament passed an Act in her favour, by which she was allowed her portion and "conjunct fee aud terce of the levying of Rossyth," and also what she was infest in by her marriage with Archibald Wauchope. The act says it was "notoriousely knawin to all the countrie in quhat miserable estate schawes in during the tyme of the said Archibaldis remaining in this cuntrie." He thus appears to have gone abroad for some time. He was included in the "Ratificatioun of the forfaltour of Francis, sumtyme Erll Bothuill," in 1594.§ He had at least one son,

Francis, who succeeded.

Meanwhile the forfeited estate of Niddrie was conferred on the Edmonstons—the feudal enemies of the family. Andrew Edmonstoun of Edmoustoun had a

* Acts of Parliament. † Ibid. ‡ Ibid. § Ibid.

crown charter of "binæ partis Baronie de Nuddre-Merschiell et terrarum de Gil-mertoun," 23d March 1597; and another of the lands of Gilmertoun, &c., 1st Dec. 1603.* In the latter year the lands of Niddrie-Merschell were acquired from Edmonstoun by Sir James Sandilands of Slamanno. He had a charter from Andrew Edmonstoun of Edmonstoun of the three pairt lands of Niddrie-Merschell, dated 12th Sept. 1603; and another of the twa pairt lands of Niddrie-Merschell, with the miln and lands in Gilmertoun, 14th Sept. 1603. Sasine of these followed on the 2d Nov. of the same year.† Sasine was also given to Sir James Sandilands of Slamanno, Knight, by Andrew Edmiston of Edmiston, of the lands of Cauldcottis, 2d Nov. 1603. Sir James had the escheat of Archibald Wauchope, and he assigned the teinds of Niddrie-Merschell to John Wauchope, bailie of Niddrie, 3d July 1599.

VIII. Francis Wauchope of Niddrie-Merschell was rehabilitated, or restored, in 1603. The letter of James VI., addressed to Sir David Murray, comptroller, for this purpose, is dated the 29th September 1603; and there is in the charter chest a paper entitled "Rehabilitatio Francisci Wauchope," dated 30th Sept. 1603. He was served heir of his grandfather, 11th January, 1604. The family MS. notes say that "after Sir‡ Archibald's forfaulture, Sir Francis, his son, to get back the estate, married Secretary Sandiland's daughter, and engaged for him and his friends cautioner to the value of 200,000 merks, which distressed him so as he was forced to quite the country." This must have been in consideration of the estate, which was not, at least formally, restored to him till 1608. On the 26th March of that year, a contract was entered into "betwixt Sir James Sandilands and the Laird of Nidrie, anent the lands of Nidrie." By this contract, "Sir James Sandilands of Slamanno, Knyt., Dame Barbara Naipper, his spouse, and Johne Sandilands, his eldest laufull sone and apperand air," with "expres avyse, consent, and assent of the said Sir James his father," on the one part, and "Sir Francis Wauchop of Nuddre-Merschell, Knyt., with the expres avyse, consent and assent of Williame Wauchope, his father brother," on the other, agreed that, "forsamekill as the said Sir Francis hes contentit, payit, and delyverit realie and with effect, to the said Sir James Sandilands, divers grit sowmis of money for performeing of certane his necessar effairis and bissiness, quhairof he grantis the ressait, and haldis him weill content and satisfit, and for him, his airis, executouris and assignayis, exoneris and quytclamis the said Sir Frances his areis and executouris of the samen be thir presentis for ever," dispones to the said Sir

* Great Seal Register. † Niddrie Charter Chest. ‡ He does not appear ever to have been knighted.

Francis heritably and irredeemably, "all and hail the lands of Niddrie-Merschell, alsweill tua pairt as thrie pairt thairof, with the maner places, houses, biggingis, yairds, orchard, dowcotis, mylnis, multures, coills, coilheuchis, annexis, connexis, pairtis, pendicles, tennentis, tennendris, service of frie tennentis, togidder with the advocatioun, donatioun and ryght of patronage of the kirk or chapell of Niddrie-Merschell, and all thair pertinentis lyand within the sheriffdome of Edinburgh," &c., the whole "to be haldin of the said Sir James Sandilands." The contract farther bears that Sir James Sandilands, his spouse, and son, had already removed themselves, their families, "guids and geir," from the lands of Niddrie-Merschell, and that "Sir Francis, his familie and guidis" had already entered into possession.* This agreement was followed by a charter of "restitution in favour of Sir Francis Wauchope of Niddrie-Merschell, Knight," 1st June 1609.†

Confirmatory of what is stated in the family MS. notes as to the pecuniary difficulties of Francis, there is in the charter a comprising by James Sandilands (son and heir apparently of the Knight of Slamanno) against the Laird of Niddrie, "Francis, now Sir Francis Wauchope of Niddrie," 7th August 1612; also a charter following this comprising, 20th Sept. 1612, and a sasine thereon, 12th October 1613. The claims against Sir James Sandilands, superior of Niddrie, were probably operated upon against the Laird of Niddrie in this manner.

Amongst the family papers there is a "Ratificatioun of a tack of the teinds of Niddrie-Merschell to Francis Wauchope of Niddrie, and Jeane Sandilands, his spouse, by John, commendatour of Holyrood, conforme to the tack and assedacioun made be Adam, Bishop of Orkney, his father, to umquhill Robert Wauchope of Niddrie," 8th July 1599. Sir Francis died at Holy Island, on his way home from Holland, where he had a commission in the Dutch service, but in what year we have not discovered. Dame Jean Sandilands, widow of the Laird of Niddrie, was alive in 1631, in which year she is mentioned in a contract between John Wauchope, her son, and Mr James Sandilands, commissary of Aberdeen, in reference to the lands of Niddrie-Merschell, which had been comprised from Sir Francis Wauchope, Knight, in favour of Sir James Sandilands, in 1612. Mr Sandilands resigns all claim to Niddrie-Merschell, with consent of his wife, Katherine Paterson, and their son, Thomas Sandilands, 9th Aug. and 8th Sept. 1631.‡

* Niddrie Charter Chest. Francis is here styled *Sir* Francis; and in a later document (1612,) he is spoken of as "Francis, now Sir Francis," from which it would appear that he had been knighted about that period.

† Great Seal Register. ‡ Niddrie Charter Chest.

Sir Francis and his lady had seven children, the eldest of whom was—

1. Sir John, who succeeded.
2. Francis, a captain in the army. He was twice married: 1st to Helen, daughter of John Winrahame* of the Winrahames of Libberton, and Elizabeth Alexander of Menstrie, by whom he had—
 1. John, a colonel in the army. “Colonel Wauchope’s regiment” is repeatedly mentioned in the public documents of 1688-9.† In *Fountainhall’s Notes*, alluding to the Privy Council—it is said, “15 Maij 1688,” the Chancellor produced, among others, “ane letter [from the King] reduceing two companies out of Douglasse’s regiment, and adding them to Collonell Wauchop’s.” He took part with King James, and fought against King William in Ireland. He was one of the principal officers under Sarsfield. After the Treaty of Limerick, he went abroad and distinguished himself both in the French and Spanish service. He was killed in the war of Catalonia in 1694. He had deposited a bond for 600 merks, granted by the Laird of Niddrie and Sir Robert Milne, in the hands of his cousin, Lord Edmonston, to be delivered to his sister, *Helen Wauchope*, wife of Captain Robert Young, after his death. The sister having predeceased the Colonel a few months, Captain Young, for behoof of his son, had himself confirmed executor dative to both the Colonel and his wife. This, however, was resisted by the nearest of kin—the half-brothers and sisters of the deceased parties‡—on the ground that the Colonel had changed his intention after the death of his sister.§
 2. Francis was also in the army, and followed the fortunes of his royal master. He was equally distinguished with his brother. He was alive in 1712, in which year a letter to his cousin, James Wauchope, at Niddrie, is preserved.|| Though frequently wounded, he died in his bed, Governor of Kayleart, in Sardinia, in the Spanish service.

* He was a merchant burgess of Edinburgh. Sir John Wauchope of Niddrie, Mr George Winrahame of Libberton, William Wauchope, merchant, burgess of Edinburgh, and John Nicoll, W.S. were her curators, from whom Davidson and Kinneir, merchants, had 3000 merks of her money on bond in 1650.

† Acts of Parliament. ‡ Niddrie Charter Chest—Petition to the Lords of Council and Session, 1695.

§ There is an order in his hand-writing to pay his father “at the end of November, thrie munth’s pey,” and to continue the same quarterly, addressed to the paymaster of the forces, and dated 3d October 1688.—*Niddrie Charter Chest*.

|| Niddrie Charter Chest.

3. Helen, married to Captain Robert Young. Died in 1694.
4. Elizabeth, married, first, to George Willes, quarter-master of his Majesty's Life Guard. The contract of marriage is dated in 1665.* She married, 2dly, into the Riddell family: "Contract matrimoniall betwixt William Riddell, lawfull sonne to umquhile Sir Walter Riddell of that Ilk, Knight, and Elizabeth Wauchop, relict of umquhile George Wills, quarter-master to His Majestie's lyfeguard of horss," 2d Feb. 1670.
5. Margaret, married to John Maxwell of Cars. The contract of marriage was drawn up, 9th Aug. 1678, and registered in 1682. He had not attained his majority at the time, and was under tutors, but he engaged to implement the contract, by which his future spouse was to be infest in an annual rent of 600 merks.†

Capt. Francis seems to have lived chiefly at Niddrie, and to have acted as Bailie over the barony. His first wife, Helen Winrahame, was alive in 1670, when her name occurs, along with that of her husband, in a legal document, entitled "Lowsing of arrestment—Francis Wauchop and his spous *contra* Winrahame and Smith.‡ Previous to this she is repeatedly mentioned in bonds and other papers along with her husband. He married, 2dly, Elizabeth Maxwell, of the Herries family. She was daughter to Edward Maxwell, brother of the Lord Herries. By this marriage, which took place before 1676,§ he had—

1. Edward.
2. Alexander.
3. Elizabeth,|| married to Thomas, second son of James Sinclair of Roslin.¶
4. Isobell.

Francis Wauchope and others had the escheat of John Johnstone of Elsiesheills, for which they gave their back band in 1687. In "the testament dative," made and "given up be John Luttfutt, wryter to the Signett, as specially constitute," as curator of the family, the death of Capt. Francis Wauchope is said to have occurred in 1690; but this could not be the case, because his name appears in connection with

* Niddrie Charter Chest. † Ibid.—Regis. minute of contract, 1682. ‡ Ibid. § Document in ibid.

|| There must have been two daughters of the name of *Elizabeth* in Captain Francis' family. The first *Elizabeth* was twice married in her mother, Helen Winrahame's life-time—and in the testament of "Captain Francis Wauchope, brother-german to the Laird of Niddrie and the deceased Elizabeth Maxwell" Edward, Alexander, *Elizabeth*, and Isobel are mentioned as "the lauffull children procreat betwixt the saids umquhile Capt. Francis Wauchope and Elizabeth Maxwell, spouses."—*Niddrie Charter Chest*.

¶ Douglas' Baronage.

certain law proceedings as alive in 1693.* He is referred to as the late Capt. Francis before 1698. His relict survived him till Nov. 1699. She and her daughter, *Elizabeth*, are mentioned in several legal documents as living in the Canongate. By his will 2000 merks were left to Edward, and 6000 more were to be divided between the three. The moncy was chiefly out on bonds. The heirs of Francis are the last nominated in the deed of entail executed by Andrew Wauchope of Niddrie in 1698, at which period he is spoken of as the "deceased Francis Wauchope, my father brother."

3. William. There is a band from Robert Heriot to William Wauchop, merchant burgess of Edinburgh, 1644. He married, before 1649, Elizabeth Alexander, relict of John Winrahame, merchant burgess of Edinburgh. In 1653, they brought a charge against the representatives of the deceased Mr George Winrahame, onc of the senators of the College of Justice, for a bond granted to them in 1649, for the sum of three thousand five hundred merks—also as security for the annual rent of eighteen thousand merks, provided to her by her contract of marriage with her first husband, and payable by her deceased son, James Winrahame of Curriehill. In 1658 there is a discharge and assignation by William Wauchop and his spouse to the magistrates and community of Edinburgh, and Mr George Gibson. William Wauchope died in 1665. His latter-will is dated the 4th November of that year. He left his widow sole executrix, on condition of her discharging Sir John Wauchop of Niddrie-Merschell of 1000 lbs. Scots of annual rent, which he had become bound to pay her, in the event of his death, by virtue of their marriage contract. His relationship to Sir John is clearly stated in a suspension by his widow against Mr John Finlay, Procurator Fiscal, in 1666. That functionary had charged her to give up to the Commissary Court an inventory of her husband's effects, and to pay the "ordinar charges of confirmatioun." In her suspension she states that "hir said vmquhile husband being restand to his creditors great sowmes of money, for payment quhairof he wes forced to engadge Sir John Wauchope of Niddrie Marschall, knight, *his brother germane*, cautioner for him, and being unwilling to suffer his said brother to be distrest for any of the saids sowmes, he, long before his death, disponed his haill moveablc,

* Niddrie Charter Chest.

goodis, geir, and vtheris, perteining, or that sould pertein to him the tymc of his deceis, to the said Sir John Wauchope."* His widow seems to have survived him several years. In 1682, "William Wauchope, tailzour burgess of Edinburgh," resigns a number of papers, bonds, and other securities, to Captain Francis Wauchope, which the latter had sometime before assigned to him in trust. This *William* was probably a son of William Wauchope who died in 1665.†

IX. Sir John Wauchope of Niddrie-Merschell, as elsewhere observed, was a person of great prudence and sagacity, and managed to restore the broken fortunes of the family. He at the same time continued to take an active part in public affairs, down almost to the very close of a long and useful life. He succeeded his father, Sir Francis, probably about 1632, in which year (21st Jan.) he had a charter from Charles I. of the lands and barony of Niddrie-Merschell, which charter was ratified by Act of Parliament in 1641.‡ In 1642 he married Anna, daughter of Sir Andrew Hamilton of Redhouse, next brother to Thomas Earl of Haddington. Among the family papers there is a charter by John Wauchope, to Anna Hamilton, in life-rent, of a mansion at Niddrie, and certain annual rents, 3d August, 1632, and a sasine thereon in her favour as his "spouse affianced," 6th August 1632. On the 13th of the same month and year, he again grants a charter to Anna Hamilton, *his spouse*, in life-rent, of his mansion in Niddrie, and certain annual rents. The "contract of marriage betwixt the honnorabill Johnne Wauchope of Niddrie-Merschell, and Anna Hamilton, dochter of the Ryt. Honnorabill Sir Andro Hamiltone of Redhouse, knyt, one of the senators

* The following singular paper no doubt refers to the deceased :—

"At Edinburgh, the twentie day of July jm vñ ffyftie sewine years. It is aggredit hetwixt Wil-liame Wanchope, lait haillie of Leith, hurges of Edinburgh, on the ane pairt, and Mr James Cheyne, writter to the Signet, on the other pairt, in mainer following : That is to say, in caise it sall happen the said Mr James Cheyne to he lawfullie maryed, in face of haly God's worde, as the Kirk requyres, hetwixt and the last of Novemher nixt, in that caise the said Wm. Wauchope binds and obligeis him, his airis and executours to pay and delyver to the said Mr James, his airis, executours and assigncis, the sowme of ten punds sterline, upon the nixt day of the said Mr James Cheyne his solemnizatioun of his mariage, hut langer delay—and in caise it sall happen the said Mr James no to he laufullie married in mainer forsaid, hetwixt and the forsaid, in that caise the said Mr James hindis and obligeis him and his forsaid to content and pay to the said Wm. Wauchope and his forsaid the lyke sowme of ten punds sterline money forsaid, immediatlie after the dyet abovementioned, hut langer delay. And heiro haith the saids parties binds and obligeis thame to utheris in the surest forme that can be devysed, and the partie falizing hinds and obligeis him to pay to the partie observing, or willing to observe, the sowme of money forsaid as liquidat expenses aggredit upone to he susteint thairupone by and attour the fulfilling of the premises. And for the mair securtie to the partie, consents thir presents to be registrat in the huiks of the hie court of justice," &c. This document is duly signed and witnessed.

† Niddrie Charter Chest. ‡ Acts of Parliament.

of the Colledge of Justice," is dated 3d August 1632. By this marriage there were—

1. Andrew, who succeeded.
2. John of Edmonston. He was christened, it is said, when Charles I. was in Scotland, in 1633. The King, it is added, was present at the ceremony, and took from his own neck a beautiful gold and enamel chain, which he placed round that of the child. It is still in possession of the family. He was bred to the bar, and promoted to the bench, by the title of Lord Edmonston, 14th Nov. 1682. He married *Anne*, only daughter of James Raith of Edmonston, and succeeded to the estate of which he had a crown charter in 1671.* When the penal statutes were ordered to be put in execution in 1688 he resigned his seat. At the Revolution, those in the administration were so convinced of his integrity and legal knowledge, that they offered to restore him to the bench, but he declined. Lord Fountainhall, in his notes, relates that in a case in which the celebrated Dundee was concerned, he reproved that nobleman severely for having spoken rudely and in warmth to the Chancellor when in court. By his marriage he had two sons and several daughters. The eldest of the latter was married to Patrick Don of Altenburn, son to Sir Alexander Don of Newton, Bart., the second, to John Wallace Biggar, of Woolmet, the third to Carre of Cavers, the fourth to Ker of Frogden, and the other three died unmarried. *John*, the eldest son, succeeded in 1709; and *Andrew*, his brother, who was brought up to the bar in 1720. Both dying without issue, the estate devolved upon the eldest daughter, who had two sons and four daughters. The eldest of the daughters was married to James Durham of Largo, in 1708; the other three died unmarried. She was succeeded by her eldest son, *John Don*, who assumed the name of Wauchope. He died without issue in 1732, and was succeeded by his brother James, who also assumed the name of Wauchope. He married in 1733, Christian, daughter of Sir John Inglis, Bart. of Cramond, by whom he had two sons, and two daughters. *John*, who succeeded, married, in 1766, Anne, eldest daughter of John Erskine of Dun. *Patrick*, the second

* Elizabeth Raits, younger, lawful daughter of umquhile James Raits of Edmonston, had sasine of an annual rent of six hundred merks yearly, from the lands of Niddrie-Merschell, granted by Sir John Wauchope and his sons Andrew and John, 4th April 1667. This was no doubt as a provision for the younger sister of the heiress of Edmonstone.

son, was a Lieut-Col. in the army. The two daughters remained unmarried. *James*, the eldest son of John, died in his father's life-time. *John* succeeded his brother. *David*, who was in holy orders, became rector of Workton in Co. Northampton. He married, 1st, *Mary*, eldest daughter of Sir William Dick, Bart. of Prestonfield, by whom he had one son who died young; 2dly, *Anne*, fourth daughter of Andrew Wauchope of Niddrie-Merschell; and by her he had a son, *David*, and two daughters, viz. *Alice*, died young; and *Anne*. He himself died in 1826. John succeeded, on the death of his father, in 1810. He married, in 1815, Henrietta Cecilia, second daughter of Sir James Gardiner Baird, Bart. of Saughton Hall, and had issue, *John*, his heir, and three daughters, *Henrietta Mary*; *Anne Erskine*; and *Jane Cecilia*. *John*, the present proprietor of Edmonston, succeeded in 1837. Arms of Edmonston same as those of Niddrie, quartering those of Rait.

3. Margaret, married to Andrew Ker of Cavers. The "contract of marriage betwixt Andrew Ker of Cavers, and Margaret Wauchope, eldest daughter of Sir John Wauchope of Niddrie," is dated 1st April 1652. Following this contract there is a "sasine to Margaret Wauchope, of ane annual rent of 3000 merks furthe of the barony of Bedroull, tennandrie of Caverse, Milrig, and Peilquarters, Belches, Woodenis, and Pendicle Hill, 21st and 22d Aprile 1652."*
4. Anna, married to Francis Scott of Gorrenberrie. "Matrimoniall contract betwixt Francis Scott of Gorrenberrie and Anna Wauchop, youngest lawfull daughter to Sir Jolne Wauchop of Niddriemarschell, Knight," 29th Oct. 1668.† Amongst the family papers there is a discharge by Francis Scott of Gorrenberrie to Sir John Wauchope for ten thousand merks, for which he gave band, with security, as tocher to Anna, his daughter, 23d August, 1670.

On the 18th Dec. 1643, Sir John resigned "the lands and barony of Niddrie-Merschell, and tennandrie of Tounyettam," in favour of himself and his son, Andrew :‡ and on the 6th Dec. 1644, there was a charter by Charles I. "in favour of Sir John Wauchope of Niddrie-Merschell, Knight, in life-rent, and Andrew Wauchope, his eldest son, and the heirs male," &c. of the lands and barony of Niddrie-Merschell, with the house, gardens, orchards, mill, multures, coals and coal-works connected with it, and the patronage of the chapel adjacent. Also

* Niddrie Charter Chest. † Ibid. ‡ Ibid.

the lands of Tounyettam, Chirrietrees," &c. The instrument of sasine, following upon this charter, is dated 10th Dec. 1644.*

While active in public affairs, Sir John exercised great judgment in the management of his estate, and was, in the course of time, enabled to repair the inroad which had been made upon it. In 1644 (24th Aug.), he computed for the teinds of Niddrie, by paying the sum of £487, 4s. Scots.

His first lady being dead, Sir John married, secondly, Dame Jeane Ker, relict of Sir John Ker of Lochtour. The contract of marriage is dated 16th June 1652. By this contract she was to have one thousand merks yearly after the death of Sir John, independent of any other provision that might be made for their children. She had sasine of the manor place of Lochtour, and of a yearly annual rent of 1200 merks, to be uplifted out of the lands and barony of Lochtour, 19th Dec. 1642.† By this marriage there was a son.

James, who was served heir of provision of his father, by the second marriage, 22d October 1685.‡ He had 30,000 merks assigned him by his father, in "full satisfacioun of all he can claime for his portion naturall, or be his mother's contract of marriage otherways."§ After his father's death, he and his mother resided for some time at Cherrietrees. He claimed the estate of Lochtour, but lost his plea in the Court of Session. He appears to have joined Dundee, and probably fought at Killiecrankie in 1689. "James Wauchope, brother to the Laird of Niddrie," occurs amongst those summoned to appear before a committee of the Estates, "to answer for their treasonable ryseing in armes and joyning with the Viscount of Dundie, a declaired rebell," May 15, 1689.|| He died, probably abroad, before 1698, leaving a son, *Andrew*, who is mentioned in the bond of entail executed by Andrew Wauchope of Niddrie-Merschell in 1698, as the next in order of succession, failing the decease of John Wauchope of Edmonston and his heirs.¶

The lands of Lochtour were acquired chiefly through wadset. The Kers got so overwhelmed with debt and law expenses, that it became impossible for them to retain the property. Overdue bonds, in numerous quarters, kept pouring their legal streams incessantly against them. A number of the debts had been paid or purchased by Sir John. He had, for instance, a bond, by John Rhind, over Lochtour in 1641.** Sir John Ker of Lochtour granted him a wadset right of the estates, redeemable for 25,000 merks; following which there was a disposition

* Niddrie Charter Chest. † Ibid. ‡ Gen. Retours. § Niddrie Charter Chest.

|| Acts of Parliament. ¶ Niddrie Charter Chest. ** Ibid.

by Gilbert Ker of Lochtour of the lands and barony of Lochtour, to Sir John, 4th Dec. 1651. He was finally induced to make a purchase of the entire property. This was not arranged till after the Restoration, in 1660, on their returning from witnessing which joyful event, in London, the worthy knight and his lady paid a visit to Lochtour, when the matter was talked over. In consequence of this arrangement, he had a disposition of the lands and barony, by Gilbert Ker and others in 1661, and an assignation and discharge from the same parties in the same year.*

Sir John had a charter from Charles II. of the barony of Niddrie-Merschell, and the lands of Tounyettam united, in favour of himself and son, dated 17th January 1662. This charter dispones the barony of Niddrie, and confirms the charter granted by Sir John Ker to Gilbert Ker, his son and heir, and Jean Inglis, his spouse, 26th September 1649.† Following his purchase of Lochtour, Sir John had sasine of that barony, 25th Feb. 1663. He had also a charter of certain lands, with the brewery in Over Currie, 13th June 1663. The union of the baronies of Niddrie and Lochtour seems to have been a temporary measure. In 1665 (2d June) he had a charter from Charles II., uniting the town and lands of Townyettam, lands of Cherrietrees, Bennetsbank, Hayhope, and others, with their parts and pendicles, into one barony—the barony of Lochtour; also erecting the toun of Yettam into a burgh of barony.‡ There are various sasines of the lands composing this united barony in the charter chest, from 1666 to 1674.§ In 1668 (20th June) Sir John had “Instrument of resignation and perpetual renunciation, by Margaret Ker, daughter of the late Sir John Ker of Lochtour, and Richard Liernmont of Whytelawhouse, her husband, of the lands of Tounyettam and others.” In 1681 there was a “procuratorie of resignation betwixt the Lairds of Niddrie elder and younger, in favour of themselves and their heirs.”|| Following this they had sasine, on precept of the Lords of Exchequer, of the

* Niddrie Charter Chest. † Ibid. ‡ Ibid.

§ Niddrie Charter Chest.—One Antonie Roswell, *Englishman*, a merchant in Leith, had advanced considerable sums on bonds and otherwise to the Kers of Lochtour. These be assigned over to Helen Hamilton, daughter of the late John Hamilton of Boghall, 25th April 1653. These were translated and dispone to Anna Dowglas, Lady Boghall, May 1664. This lady Boghall bought up several other debts against the Kers, all of which she disposed of to Sir John Wauchope, 19th March 1679. Following this sale there is an “Inventor of the writes and evidents of the lands of Lochtour, Tounyettam, Suniside, and others, delivered up be Anna Dowglas, relict of vñquhile John Hamilton of Boghall, conforme to the letters of dispositione granted be her to Sir John Wauchope of Niddrie-Merschell, Knight and Baronet, of the deat of thir presents, and whilks are to be made furtbcmund to him in manner after mentioned,” 19th March 1679. The above refers wholly to the various bonds and the legal proceedings upon them. Sir John purchased the estate with these obligations upon it.

|| Niddrie Charter Chest.

lands of Niddrie-Merschell and Lochtour, 14th Jan. 1681. Again they had sasine of Niddrie-Merschell, and of the lands and baronies of Lochtour and Tounyettam, proceeding upon a precept of Charles II., 21st Oct. 1681.*

Sir John died in January 1682.† By his will, dated 24th of April 1665, he ordained his "corps to be buried in [his] awine buriall place in Niddrie Chapell." Before his death he had, by a regular disposition, conveyed the estate to his son and heir. It was registered 1st April 1682.

X. Andrew Wauchope of Niddrie-Merschell. He married, in 1656, Margaret, eldest daughter of Sir John Gilmour, Knight, of Craigmillar, President of the Court of Session. The "contract of marriage, betwixt Andro Wauchope, farer of Niddrie, and Margaret Gilmor, daughter of Sir John Gilmor, advocate," is dated 4th Sept. 1656. Upon this contract, Sir John Wauchope granted his son Andrew certain lands and a mansion in Niddrie, with other subjects, 20th Sept. 1656. The sasine which followed upon this grant bears to have been "given by Sir John Wauchope of Niddrie to Andrew Wauchope, farer of Niddrie, and Margaret Gilmour, his promised spouse," the gift consisting of "a mansion and dwelling-house in Niddrie, and annual rent of 3000 merks yearly, to be uplifted out of the barony of Niddrie-Merschell," 20th Sept. 1656. From another document we learn that the parties were married October 2, 1656, and that they had 19 children, born between 16th Oct. 1657, and 9th January 1684. They were as follows:—‡

1. John, born at Monkton Hall, Oct. 16, 1657.
2. Anna, " " Dec. 18, 1658.
3. Margaret, " in Edinburgh, Jan. 21, 1660.
4. Janet, " in Niddrie, Nov. 22, 1662.
5. Andrew, " " Oct. 20, 1663.
6. George, " " Nov. 23, 1664.
7. Jean, " " Feb. 23, 1666.
8. Barbara, " " May 23, 1667.
9. Elizabeth, " " Sept. 10, 1668.
10. John, " " Feb. 18, 1669.
11. Janet, " " Feb. 9, 1670.
12. Francis, " " June 12, 1672.
13. Alexander, " " Oct. 20, 1673.
14. Helen, born at Carberrie.

* Niddrie Charter Chest. † Ibid.—Extract of his will from the Com. Records.

‡ List in Niddrie Charter Chest.

15. Christian, born at Niddrie, Feb. 1, 1676.
16. Agnes, „ April 13, 1677.
17. William, „ Sept. 19, 1678.
18. James, „ April 13, 1680.
19. Gilbert, born in Edinburgh, Jan. 9, 1684.

Andrew Wauchope had a disposition and assignation of the lands of Lochtour and others, by Patrick Scott of Thirlstane, dated 9th Feb. 1657. This proceeded upon a comprising by Scott of Thirlstane.* Andrew, who, unlike his father, was a Roman Catholic, managed his affairs with much prudence, and generally had considerable sums out at interest on bonds. Amongst the latest of his transactions in this way is an acknowledgment to the town of Dundee for the receipt of ten thousand merks, and "ane thousand pund Scots," in payment to account of ten thousand merks principal and interest, which he had lent to the burgh. The document is dated 10th Aug. 1698.† He experienced considerable annoyance with one or two vexatious, though ill-founded law-suits, in all of which, however, he was successful. The first was the claim of his half-brother, *James*, to the lands of Lochtour, which he rested on the plea that they were conquest during his father, Sir John Wauchope's second marriage. It was raised in 1682, and after a full production of papers on both sides, Andrew Wauchope of Niddrie obtained a decree of declarator "against James Wauchope, his brother, and his mother, finding and declaring that the said Andrew Wauchope has the only right to the lands and barony of Lochtour," 20th Feb. 1683."‡ The narrative of facts upon which this judgment rested is thus given in one of the papers by Mr Cuninghame, advocate: "That before this marriage [the marriage of Sir John Wauchope with Dame Jean Ker in 1652] Niddrie's condition was such, viz. He had his own old estate of Niddrie, and ane wadsett of 25,000 merks upon the lands of Lochtour, which, in anno 1643, were resigned in favours of himself in lyf-rent, and of this Laird Niddrie, his sone, in fie, with libertie reserved to himself to redeeme and alter, wherupon infestment followed. As also he had ane irredeemable dispositione of the lands of Lochtour in anno 1651, whereupon no infestment followed. And he had also considerable sums of money oweing to him. But it is to be remembered, that the estate of Lochtour was compryzed about the year 1638 from Sir John Ker of Lochtour, father to Gilbert Ker, the disposer, and which comprysing came in the person of Sir John Gilmour, and that the same estate was thereafter compryzed by several personis from Gilbert in the year 1653, and subsequent yeares,

* Niddrie Charter Chest. † Ibid. ‡ Ibid.

and the deceist Niddrie and this Niddrie his sone haveing, in anno 1656, subscryved certane articles of a contract of marriage betwixt young Niddrie and Sir John Gilmour's daughter, one of the articles was, that as to any money pertaining to Niddrie by bond, infestment, or otherways, he was to reserve to himself 25,000 merks, as also the tocher, which was other 25,000 merks, to be disponed upon as he thought fitt for his lady and children; and as for the rest of his money, he was to assigne the same to his sone, reserving his lyf-rent, and out of the readiest thereof his debts were to be payed; and because, in the contract of marriage there was not ane particular assignatione made of the debts, the deceist Niddrie was obliest by a paper apart to make assignationes and rights to the debts under the provisiones forsaid. And after young Niddrie's marriage, in the year 1657 or therby, the right of that old compryseing, and severall other compryseings, came in the persone of the young Laird of Niddrie, and about that time he gave a declaratione to his father, declareing that the rights were acquyred to his father's behove, and that he should denude thereof in favours of his father when requyred, provideing alwayes the samen should not be prejudicall to the articles of the contract of marriage. And in anno 1661, this Niddrie and Gilbert Ker, and several other persones, did resigne the lands of Lochtour in favours of the deceist Niddrie, whereupon he was infest. And in anno 1681, the deceist Niddrie resigned the lands of Lochtour in favours of this Niddrie.* It was farther contended that although he acquired some comprisings and wadsets after his marriage, yet he had as much money due to him before his second marriage as would have purchased these comprisings, and he was bound "to purge the wadsets and compryseings with the pryce, at least to acqyre them so as Gilbert the disposer, his persone and other estate, should be free of those debts and diligences." And "considering the children's provisione that he payed, and the 20,000 lb. which is assigned to the sone of this marriage, his estate is no better now than it was before the marriage." Next year, 1684, there were certain articles of "agreement betwixt the Laird of Niddrie and Dame Jean Ker, relict of Sir John Wauchope of Niddrie," by which she was, in terms of her marriage contract, allowed 1000 merks yearly during her life, "the house in Niddrie sett by her husband," with five hundred merks of gratuity, and the third of the household plenishing, her interest in Cherrietrees, the property of her son, William Ker, not to be prejudged. Thereupon followed a contract between the parties, containing a general discharge, by her to him, dated in 1685.†

* Niddrie Charter Chest. † Ibid.

The next annoyance in this way was at the instance of John and Rachael Ker, heirs of the family of Lochtour, begun in 1692.* It appears that an arrangement had been entered into by Sir John Wauchope for the purchase of that property several years before it was actually implemented. Deeds were drawn out, by which, over and above the debts against the estate, he was to give his bond, for behoof of the family, to a certain amount. This bond—to Lady Lochtour and her children, dated in 1658—had been extended, and lay in the hands of James Don, factor or intromitter for the Kers, but was never fully completed, and Sir John had given up all thoughts of the purchase, till again induced to enter into a new arrangement in 1661. By this agreement he gave a new bond to Lochtour for ten thousand merks, and the property became his own. After the lapse of thirty years, the old bond cast up, and John and Rachael Ker, heirs of Gilbert Ker of Lochtour, the last laird of that name, were advised to bring an action against Niddrie for the amount, denying that any annual rent or principal had ever been paid. This led to a somewhat protracted process, and the production of much evidence, documentary and oral, on both sides. Amongst others examined for Andrew Wauchope of Niddrie, was Robert Montgomerie, whose evidence was taken on the 25th Jan. 1693. He had been a servant of the late Sir John Wauchope of Niddrie for twelve or thirteen years. He had been at London with Sir John and his lady in 1660, the year of the Restoration. The deceased Gilbert Ker of Lochtour and his lady were then living at Lochtour, and from 1661 to 1665 or 1666, he paid to Lochtour, and to the lady, after his decease, by the order of Sir John, the annual rent of ten thousand merks. “In 1666, or thereby, the deponent, with other servants of the Laird of Niddrie, did carrie a considerable soum of money in bags to the tavern which is now called the Black Bull tavern, and then called the Black Turnpike, on the north side of the street of Edinburgh, quhere the said umquhile Laird of Niddrie, and the Lady Lochtour and her friends wer mett, and to the best of the deponent’s memory, the Lairds of Covington and Inglis wer ther, and which baggs of money were disposed of ther, but does not particularly know quhat soum of money the baggs amounted to,” &c.† Old Lady Niddrie, then 70 years of age—had previously given her evidence (28th July 1692.) She spoke of having been in London with her husband in 1660, “the same year that King Charles the 2d was restored,” and said that they called at Lochtour on their return, when the proposal of purchasing the property was renewed.

* Niddrie Charter Chest.

† How different the mode of settling accounts in these days compared with the present. Banks were not then instituted in Scotland.

After having fully shown the utter groundlessness of the claim against him, Andrew Wauchope obtained a decree of absolvitor against John and Rachael Ker, 25th July 1694. He appears, at the same time, to have been annoyed by the parties for some time afterwards. Rolled up with the papers preserved in this process, is the following letter from "Pa. Chalmers," dated "Edinburgh, the 31st August 1698," to "the much honoured the Laird of Niddrie," in which he says, "According to my promise, I have at last brought the poor gentleman, bearer hereof, and his sister, to compliance with you; and therefore I confidently expect you will use them discreetly, (as there is not the least ground to doubt of it,) it being wholly referred to you. P.S. I am persuaded, since it is in charity that you give them anything, that it will not be the worse for them." There is also a letter from John Ker to the Laird of Niddrie, in which he attributes the "woeful difference that has been amongst us" to his "simplicity," and throwing himself and his "perishing family" upon his generosity.*

There is another, but not important law process, arising out of the connection between the Niddrie and Sandilands families. It appears that the Laird of Niddrie had been appointed trustee on the estate of Robert Sandilands, a minor, son to the late Mr John Sandilands, merchant in Edinburgh. There was, it would seem, very little to intromit with, and the laird was much troubled in making advances. Moved chiefly by his tutor, law proceedings were commenced as early as 1691; and in order to get rid of their importunity Niddrie granted a bond for £100 to Robert Sandilands and his tutor, in lieu of all claims, 13th Feb. 1694; and received a discharge accordingly.† Notwithstanding, Robert Sandilands sends to the Laird of Niddrie a very humble letter, in 1701, requesting the loan of a little ready money, and promising to return the bond, when he came of age, as he knew it had been wrongously obtained. How this matter was arranged does not appear, but Robert Sandilands assigned over his affairs to one Robert M'Kell, 26th August 1703, and from him the laird obtained a discharge, in full, 28th Sept. 1703.‡ He had a decree of absolvitor against Sandilands and M'Kell in 1694. He had a "tack of the teinds of Niddery-Marishall, for nineteen years, from and after Lambmass, 1698.§

Andrew Wauchope of Niddrie had executed a bond of entail, 27th May 1698, in favour of himself, and at his decease, of Alexander, his eldest son, whom fail-

* Niddrie Charter Chest. † Ibid.

‡ In 1711 there is a registered ratification and discharge, by Robert Sandilands to "the Laird of Niddrie, John Hamilton, and remanent purchasers of the western stone tenement, at the Bull's-Squair, alias Miln'-Squair."

§ Niddrie Charter Chest.

ing, of William, his next surviving son. Alexander having died in 1705, William became heir of Niddrie; but as he was a Roman Catholic, and the Act passed against the growth of Popery in 1700 being stringent, prohibiting any one of that religion either from acquiring or succeeding to property, or even acting in the capacity of tutor, and as no resignation had followed the bond of entail, it became difficult to see "what mode William Wauchop, now younger of Niddrie," should "take to establish his right of the lands and baronies mentioned." Among the family papers there are numerous legal queries and answers in reference to this knotty point. The result of the professional deliberation employed was the execution of what is called a "Loosing from the Taillzie," by "the Laird of Niddrie, in favour of William Wauchope, his eldest son," 9th August 1710. It was thought, as advised by counsel, that, in consequence of the death of Alexander, a new bond in favour of William would, in effect, carry the settlement back to a period anterior to the Act of 1700. By this renewed bond he was loosed from the restricting clauses of the former, empowering him to sell or dispose of the lands as freely as the entainer might have done, but maintaining them in all their stringency over the other heirs of entail. The parties nominated after William were, *James*, his third son, and *Gilbert*, his fourth son; the heirs of all of whom failing, his brother *John*, of Edmistoun, now deceased, "Andrew Wauchope, only lawful son to the deceased *James* Wauchope, his brother, the heirs male descending of the body of the deceased *Francis* Wauchope, his father's brother," &c.*

Andrew Wauchope died on the 10th February, leaving only three sons out of the nine. His spouse, Margaret Gilmour, pre-deceased him, having died 22d Oct. 1705.

1. William, who succeeded.
2. James, a merchant in Edinburgh. He married, 20th April 1710, Jane, daughter of Sir William Wallace, Bart. of Craigie, by a daughter of William Menzies of Pitfoddles, and had—
 1. Andrew, b. 24th May 1711, who succeeded his cousin Andrew.
 2. William, b. 12th July 1714.
 3. James, b. 12th June 1715, died in Aug. following.

His wife never properly recovered the last birth, and died 5th Dec. 1715. He resided in Niddrie House after the death of his brother in 1711. There is a letter addressed to him by his cousin, *Francis*, dated "Marseilles, 8th May 1712," in which he says, "I was already informed

* Niddrie Charter Chest.

of all you mention regarding your nephew, and of your taking the house and estate of Niddry into your own hands, which I was extremely glad of, and approved of the motives that obliged you to it." In religion he was a Roman Catholic, and could not publicly act as tutor to his nephew. He died before the succession of his son, Andrew, in 1726.*

* A leaf, cut out of an old pocket book belonging to him, throws much light upon the family history at this eventful period. It is as follows:—"Memorandum for Jean Wallace. My brother William was married 25th April 1705. Do. year dyed my brother Alexander, 24th September; buried at Niddrie 25. Same dyed sister Cragy,* buried at Niddery, 26th. My mother dyed 22 Octo., *requiescant*—Lady Nidd. yor. was brot. to bedd of a sone, Christened Andrew, 22d Aug. 1706. I was married, 20th Apryll 1710 to my dearest J. Wallace. My father dyed ye 10th Feb. 1711. William's wyff, 5th Appr. 1711. My wyff was brot. to bed of a sone, Xened Andrew, upon Corpus Xtitis day, 24 May 1711. My brother William dyed 18th June 1711, in 34 year of his age: bis son taken to Edmiston ye Munday following, 25th, to be. . . . Miss Margt. Wallace, my wyff's sister by the father, and my niece by her mother, died at Nidderie, 19th March 1712. My wyff was brot. to bed of a sone Xened William, 12th July: of another, 12th June 1714, Xened James: dyed Aug. fol.; and my wyff, ill recovered of this, beaving dyed 5th December same year, to my great grief."

The following is in the same handwriting:—

"Inventaire of Jewels and other things of value belonged to my wyff, contained in her Japanned Box, Xber. 20th, 1715.

Impr. a large breast jewel, divysd in three containes:

No. 1. A bigg cutt diamond in the middle, valued at	£10 0 0
2. 4 ditto viz., one above the biggest above, one below, and one at right, and another at left, 50s. piece,	10 0 0
3. 6 ditto less, viz., one at the topp of all, one at the bottom, 2 upon the right, and two upon the left utmost, valued at	8 0 0
4. 4 ditto betwixt the middle bigg ones, No. 2,	2 0 0
5. 62 little diamonds upon right and left of the wbold, and round the largest one in the middle, valued,	12 0 0
In all 77 dymonds,	£42 0 0
A gold enambled picture caise, whicb bas upon one lyd 7 emeralds, twelve rubies, and a bancing down pearle, valued at	5 0 0
A gold needle for the haire, upon the topp of whicb a large sappbire, three dymonds at each syd of it, and 10 small ones in a croun above. In all 16 dymonds, valued at	4 10 0
A lairge cround gold heart for a relick caise, weigbs 1 ounce 3 drops,	4 15 0
A pair of bracelets sett with rubies and pearle, and 5 small dymonds in each of them sett in gold enambled, the wbole valued at	7 10 0
A gold belt huckle, sett with 11 rubies round,	2 15 0
A brilliant dymond ring, consisting of a large in the middle, 10 round it, and two upon each syde of the shank, cost me new at London 12 guineas,	12 18 0
A cround ancre sett with rubies and gold enambled, with inscription,	2 0 0
A lugg ring, sett with rubie,	0 7 6
A Roman Cornelian bead sett in gold,	0 15 0
A Zizar caise, sett with rubies and traced with gold,	2 5 0
3 string of curel braseletts, valued	3 0 0
2 string ditto smaller,	0 8 0
A pearle necklace, 4 gangand, two pearle braceletts, valued at	4 0 0
	£89 3 0

* His sister *Elizabeth* was the second wife of Sir William Wallace, Bart., his father-in-law.

3. Gilbert. In a paper, dated Niddry Place, 6th July 1711, entitled "Querries to be proposed to Sir William Baird," and the other tutors, as to certain matters concerning the family, he is styled "the Doctor," having been brought up to the medical profession. These queries are interesting, as affording considerable family information. It appears that the old laird, Andrew, had designed "to send his youngest son, Doctor Gilbert, to London, for his accomplishment," and to allow him £50 sterling yearly, by way of paying the expense of his journey, and keeping him there until "he should fall in business or imployment." This was "by and attour his bond of provision," which did not bear interest till after the old Laird's death. "William, after his father's death, in lieu of what his father had promised, aggrieved to pay the Doctor 80 lib. sterling, as also to give him a horss, and be at the expense of his journey to London. And accordingly, in the beginning of Junij 1711, he outreiked the doctor to London, and gave him the horss, as also 10 guineas, to defray his charges on the road; and ordered him at his arriveall to draw bills on Niddry for 20, 30, or 40 lib. at severall times, which Niddry engaged to pay at sight, judging it more easie and also convenient to pay the wholl 80 lib. by degrees, raither than the wholl at once, which was aggrieved to by them both, as Mr James Wauchope and John Riddoch* can declair. But William dyeing within two weeks after the Doctor went to London, he got only the 10 guineas advanced and the horss." The querry put to the tutors was as to "securing the pupill and his curators" for paying the said £80 stg. to the Doctor.†
4. Barbara, married to Sir George Seton of Garlton, or Garmilton, Haddingtonshire. The contract of marriage is dated in 1686.‡ There are several papers in the charter chest at Niddrie concerning this family. Amongst others is a disposition (18th Aug. 1721), by which Sir George sets apart 15,000 merks to be divided amongst his younger children. This he does in virtue of a previous disposition, 12th Jan. 1705, granted by him of the lands of Garmiltoun-Noble and Garmiltoun-Alexander, with the "tower, fortalice, manor place, and other pertinents, to and in

The above is so valued as sett down by Mr Ch. Duncan, jewler, and Mr Carr, goldsmith in Edinbr., so
is noted by me,

J. WAUCHOPE."

James Wauchope, the writer of this, seems to have been much attached to his lady. Amongst other relics there is a little box containing a lock of hair labelled, "Tate of my wyff's, Mrs Jean Wallace's haire, taken of her head after she dyed, in Campbell's Land, Cauongat, ye 5th Xber. 1715."

* Riddoch seems to have been a confidential servant. † Niddrie Charter Chest. ‡ Ibid.

favours of Dame Barbara Wauchope, Lady Garmiltoun, for her lyfrent, therein exprest," in which it is made "leisum and lawfull for George Seton, his eldest son, and his other sons and heirs," to burden the said lands with the sum above-mentioned, as a provision for the younger children. *George Seton*, yr. of Garltoune had, in 1712, given his mother, Dame Barbara Wauchope, Lady Garltoune, a back-bond for a thousand merks which she had assigned to him. Besides George, there was another son, *James*, and three daughters, who appear in the papers at Niddrie House: 1. "A discharged account, Mrs Margaret Seton, Lady Gairltoun's daughter, to Exers. of Alexander M'Vicar, merchant, Edinburgh, 1731." 2. "Contract of marriage betwixt John Arrot, of Foffartie, in Forfarshire, and Mrs Mary Seton, daughter of the deceased Sir George Seton of Garleton, Bart., 6th March 1733." Mrs Mary had sasine of an annuity of 1000 merks from the lands of Foffartie, following on the above contract, 27th June 1733. 3. Andrew Wauchope of Niddrie grants a life-rent bond of £30 stg. yearly "to Mrs Barbara Seton, daughter of the deceased Sir George Seton of Garletoun," 13th Dec. 1734. This seems to have been a gratuity.*

5. Elizabeth, married to Sir William Wallace of Craigie, Bart. In a "factorie," empowering John Riddoch to act for him in certain matters, in 1698, he says—"I, Sir Wilham Wallace of Craigie, ffor myselff, and in name and in behalff of, and as taking the wholl burden in and upon me for Dame Elizabeth Wauchope, my spous," &c.† She was Sir William's second wife. James, her brother, as he himself states in his notes, married a daughter of the Knight of Craigie by his first union. Between the Craigie and Niddrie families there was a strong bond, originating in the political feeling of the times—both being attached to the Cavalier party. Sir William fought under the banner of Dundee at Killicrankie.
6. Agnes. She was alive, and had a house at Silver Craigs, near Glasgow, in 1711, when she and her husband had a decree of aliment against Andrew Wauchope of Niddrie and his tutors.‡
- XI. William Wauchope of Niddrie-Merschell. He married, 25th April 1705, Margaret, eldest daughter of Gilbert Menzies of Pitfoddles. The contract of marriage is dated the 3d and 24th April of that year.§ William being then the

* Niddrie Charter Chest. † Ibid. ‡ Ibid. § Ibid.

second son, she was allowed by that contract 1200 merks Scots money as a jointure. On the death of *Alexander*, when William became heir, a "band of annuity and jointure" was executed by the Laird of Niddrie in 1708, by which the allowance was increased to 2500. "Margaret Menzies, Lady Niddrie," had sasine on the charter of resignation which followed this, on the 20th March 1710.

William is said to have given very considerable promise when young, and being the seventh son, in point of birth, was probably educated with a view to some of the learned professions, possibly the church. The MS. notes of the family, from which we have repeatedly gleaned, were written by him in 1700. In the same hand, small and neat, we have before us a memorandum-book of twenty-eight pages, entitled "Accompt of moncy debursed by me since I came from Scotland, in October 1698." It has no name attached, but the writing is evidently the same. He would then be in his twentieth year, and was residing at Leyden, for the completion of his education. The first items refer to money given to the seamen, after landing, and his expenses at Campvere. The memorandums are strictly confined to his outlay in travelling expenses, lodging, refreshments, &c. The sums are in Dutch money. From Campvere he went to Leyden, where he matriculated. He however, visited the Hague, and Rotterdam. From certain entries it would appear that his younger brother, James, was also in Holland. He says:—"For the fetching of my money and hat from Rotterdam, 9 stivers."—"For the hat itself, quwhich *James* took of my money at Rotterdam, 5 guelders." Some of the other entries are curious.—"For traceing my hat with gold thread, 13 st."—"To a ship-wrecked Scotsman, 3 st." His brother does not appear to have accompanied him throughout his stay. At Leyden, he says:—"For a letter from the Briel from James, 3 st."—"For a letter from my brother at Angeir, 7 st."—"For a bottle of the Q. of Hungary's water, 10 st."—"For renewing my name in the University books, at the meeting of the new Rector, 2s. and 1s. to the beddall, 18 st." "Being the first day of Lent, for dinner, 9 st. 7d."—At the Tennis Court, 5 st. 4d." "At the Anatomy Hall, &c. with Mr Paterson, 5 st. 6d." The last item occurs on 10th Aug. 1699.—"To a poor priest, 5 gu."

William does not seem to have possessed robust health, and he died rather suddenly, on the 18th June 1711, in his thirty-fourth year. His lady predeceased him on the 5th April of the same year. They left a son—

Andrew, only five years of age at the time, having been born on the 22d August 1706. He was taken to Edmonston, on the Monday following his father's death, where his youthhood was passed. He was killed, it is said, in a duel, while abroad, in the 20th year of his age. He was

buried at Padua. In a right to a burying place, granted by the Prior of the Monastery of Padua, dated 5th February 1726, he is erroneously called "Allessandro" in place of *Andrew*, although rightly enough described as of the family of Wauchop of Niddrie, of the Scottish nation.*†

Before his death William granted a disposition and assignation *omnium bonorum*, in favour of his son, dated 3d May 1711; and on the 27th June he made his testament, nominating ten tutors, "wherof fyve Protestants and fyve Papists."‡ This gave rise to a new difficulty, in consequence of the Act against Papists formerly mentioned. James, the uncle of the young Laird, who resided at Niddrie House, was one of the Popish tutors. The latter were legally incompetent. The opinion of counsel was that the Protestant trustees, forming a quorum, were entitled to act, just as if the others had refused or died; and on the 2d July 1711, Sir William Baird of Newbyth, and John Baird, younger thereof; John Wauchop of Edmiston; Andrew Wauchop, his brother-german; and John Don of Altenburn, petitioned the Lords of Council and Session to be empowered to act as tutors of "Andrew Wauchop, now of Niddry."§ This petition was of course granted.

With the view, no doubt, of making a settlement as to the moveables, most of the effects at Niddrie were disposed of by public sale at this time. The following is a statement of what was left:—

"Inventair of household furniture belonging to Nidrie, and left in the mansion presently possessed by Master James Wauchope, brother-german to the deceast William Wauchope of Nidrie Marischall.

"Imprimis—there is in the large hall, or dyning roume, the haill furniture contained in the principall inventar given up by the tutores, excepting the pendulam cloak, and a standing paunted table, which was sold at the roupe.||

* Document in Charter Chest.

† There is no mention in this document, which is in the Italian language, of the manner in which he came by his death. It is simply a precept of right to a piece of ground for sepulture—"d'un sepolcro et epitafio"—for private use, which the prior and the other two authorities who subscribe the document, promise shall not be disturbed.

‡ Charter Chest.

§ The other parties nominated by the deceased were—Charles, Earle of Traquair, James Wauchop, merchant in Edinburgh, "Mr Gilbert Wauchop, Doctor of Medicine, my brother-german," "Margaret Irving, Lady Pitfoddells, my mother-in-law," "William Menzies of Pitfoddells, my brother-in-law" ("the said James Wauchop, my brother, being always one").

|| The furniture of the large dining-room, according to "principal inventar," consisted of—

"1 large oval folding table.

1 other round painted table.

Item, the haill furniture in the drawing roume, as contained in the principal inventar.

Item, the haill furniture in the green roume, conform to the forsaid inventar, excepting the japanned painted cabinet, which was sold.

Item, the kitchen chimney, with tonks, raxes, with pore [poker] and shuffell, and fixed table, with amries, and another table, and old folding table, and bed in the kitchen, and a bigg chimney in the woman house and raxes.

Item, in the lardner tuo large aiks and a hanging ambrie.

Item, the inner cellar is conform to the said inventar.

Item, a large copper caldron.”*

A number of letters addressed by this Laird of Niddrie to Charles Menzies of Kinmundie, W.S., Edinburgh, were preserved by that gentleman, and are now amongst the other family papers at Niddrie House. Menzies was his law agent, and probably some relation of his wife. The label, in his handwriting, with which the letters are tied up, is curious—

“I keep thes letters which past betwixt William Wauchop, younger of Niddrie, and me, which will shew our intimacy and intyre friendship, after I am dead and rotten, and will very much indicat his pleasant temper and happy genious.

“This written 7th May 1712, having that day cleared accompts with his only sone’s tutors, who were alleagded to be nominat in Niddrie’s testament, very much suspected of forgerie; and either his name putt thairto after his death, or the persons’ names insert in the blank after his death, as may easily be believed by any who knew Niddrie, and reading over the persons’ names who could mannage. However I hope his memory will be fresh as long as any laird in Lothian who lived contemporary with him.

Cr. MENZIES.”

- 1½ dozen of cane chaires, 2 whereof arm’d.
- 1 other arm’d chaire kane.
- 2 other ditto not armed.
- 4 gilded sconce candlesticks.
- 1 carved painted flower pott.
- 2 piece old arras hangings.
- 1 Large Chimney, tongs, shuffle, pockre.
- 1 Fyne long bass.
- 13 Fyne pictures of the family and freindes.
- 4 Taille-douce in black frames.

The “inventar” is dated 6th May 1714. Another “inventaire,” in the same hook, written by James Wauchope, uncle of the minor, Andrew, is dated 20th of December 1715. In this list all the articles which were sold are pointed out.

* Niddrie Charter Chest.

" Niddrie both told me, and wroat to me of his firme resolution of a quyte other nomination of tutors to his sone then now appears ; and that a very few weeks before the dait of this now pretended testament and nomination."

Menzies had evidently been much disappointed in the nomination of tutors. The letters extend from August 1708 to Feb. 1711. They refer chiefly to business—Niddrie being engaged at the time in a case, apparently of some importance, in which the Earl of Aberdeen was concerned. He frequently alludes to his want of health. On the 14th Dec. 1708, he says, "I have been these two days a sweating, and if that come on me again to-morrow, I must stay at home, tho' I had the freedum of speaking." He had not been able to speak a few days before. It was nothing uncommon then, it would seem, to intercede with the judges *privately* as to the cases before them ; and he adds :—"I doubt not, however, of the diligence of every one, and hope it shall turn to good purpose ; and as you were pleased to offer your help with Lord Forglen, so you may doe likewise with Lord Fountainhall and others ; and every one should be spoke to." The letter of Dec. 17 appoints, if agreeable, a meeting with Menzies and some legal friends, at Bailie Smart's, Fisherrow, on the Saturday following, to partake of a fish-dinner, and talk over matters. He again speaks of his being an *invalid*, Jan. 29, 1709. The letters are generally written in a free, jovial spirit. The following may be taken as a specimen :—

" Dear Charlie,

Since your meeting is uncertain (a hen dang the pen out of my hand e'en now, and blew out the candle) I'm not sure of my being with you either, if Dr Pitcairn* come out, as perhaps he may to-morrow, and as you'll hear from himself and determine accordingly. His patient will be soon, (I hope,) very well, after a great risk, and your orders about his horse shall be obeyed. I have not had time to consider of his business, for the bearer pretends great hast, and you must needs think of three trysts or meetings—I'm probably able to keep one and no more. However, Miln would tell you, and George Preston will, my mind in the matter. To-morrow early I shall get notice of you, and am,

Dear Sir,

In the Gardner's,

Niddrie, Jan. 20, 1710.

" Pay the post."

Your most aff. humble servant,

WM. WAUCHOPE."

The following is the only one in which he alludes to the preference of the Niddrie family for the "old religion :"—

* The celebrated scholar and wit.

" Dear Charles,

If your conveniency can allow, I shall be glad to see you here to-morrow before dinner, iu order to which my palfreys will wait on you. The kirk designs to pester us, aud for a clearance I desire you may bring along with you the Acts of Parliament that relate to demolisheing of us black Papists : at least, if you don't come, send me out the last Act, tho' I would much rather discourse on the matter with you. Believe me,

D. Charlie,

Niddrie, Dec. 2, 1710.

Yor. most affect.

Wm. WAUCHOPE.

"They ar well caparassan'd and warlike horses."

Jan. 26, 1711, he complains of being so hoarse as to be hardly able to speak.*

XII. Andrew Wauchope, son of James, the brother of William, and grandson of Andrew, the old laird, succeeded his cousin in 1726. The precept of George I. "in favour of Andrew Wauchope of Niddrie-Marshall, as heir of the deceased Andrew Wauchope of Niddrie-Marshall," is dated 11th March 1726. In "the claim of Niddrie's special service," he says, "I, Andrew Wauchope, now of Niddrie-Marishall, say unto you, that the deceased Andrew Wauchope of Niddrie-Marishall, my uncle's son by the father's-side, dyed last vest and seased as of fee at the faith and peace of our sovereign Lord and King, in all and haill the lands and barony of Niddrie-Marishall, as well the two parts as the third part of the same, with the mannor place, houses, biggings, yeards, orchards, milus, multures, coals, coal heughs, aunexis, counexis, parts, pendicles with the advocation, donation, and right of patronage of the chappel of Niddrie-Marishall, all erected into one entire barony, called the barony of Niddrie-Marishall" by charter of Charles II., 1681. The other properties claimed are the lands and barony of Lochtour, consisting of the town and lands of Sunnyside, Widcopen, Stankfoord, aud Boighouse, with houses, biggings, &c. ; the lands, town, and mains of the barouy of Tounyettam, with the miln, mihn lands, multures, and sequels thereof, houses, biggings, yeards, &c., with the patrouage of the kirk of Tounyettam ; also the three husband lands within the barony of Tounyettam, which three husband lands formerly belonged to Gilbert Ker, apparent of Lochtour, and to the deceased Sir John Ker, his father, and their predecessors, and which whole lands are erected into a free barony, called the barony of Lochtour, "whereof the mannor place of Lochtour is ordained to be the

* Niddrie Charter Chest.

principal message ;" also the lands of Tounyettam, called Bennetsbank, half of the husband land called Close and Bartisbrae, pendicles of the lands of Hayhope, with the pasturage and privileges within the bounds of the lands of Kirkyettam ; also the lands of Easter and Wester Ryesides, with two husband lands in Tounyettam, extending to a four pound ten shilling land of old extent, lying within the barony of Maxton, all of which were incorporated with the barony of Lochtour, as erected by Charles II. in 1662 ; and that under the special provisions contained in a "bond of tailzie granted by the deceased Andrew Wauchope of Niddrie-Marishall, my grandfather, in favour of himself in life-rent, and of the deceased William Wauchope, his eldest lawful son (my uncle,) and the heirs male descending of his body in fee, which failing, in favours of the *now deceased James Wauchope*, his second lawful son (my father,) and the heirs male," &c. 1698 ; and in another bond of tailzie, granted by the deceased Andrew Wauchope of Niddrie-Merschell, dated the 9th Aug. 1710. In case of heirs male failing, the lands were to go to the eldest female heirs in succession, without division, their husbands to assume the name of Wauchope. The deceased Andrew Wauchope of Niddrie was last vest and seised in an annual rent of £1800 Scots, granted by Sir William Sharp of Scotscraig, to be levied from the lands of Stoneyhill, &c. (Musselburgh), also £42, 4s. Scots from a tenement in Canongate, built by the said Sir William Sharp.*

The young laird was not of age when he succeeded his cousin. He would be in his fifteenth year. In 1728 certain claims were made against the representatives of the late James Elphinstone, his chamberlain, in regard to his intromissions ; and in 1730 (12th Feb.) he gave his bond, "with consent of his curators," to Patrick Murray of Cherrytrees, for £1150 stg. as the price of the lands of Halter Burnhead, Yetholm, which bond was paid on the 10th of March the same year.† He acquired the lands of Frogden and Blacklawes, in 1733, as appears from an "Instrument of the Resignation of the lands of Frogden and Blacklawes, and others, by Christian and Barbara Kers, sisters-german to the deceased John Ker of Frogden, with consent of Doctor Alexander Scot of Thirlstain, husband to the said Barbara, in favour of Andrew Wauchope of Niddrie-Merschell," 29th March 1733. This was confirmed by a crown charter dated 12th Feb. 1734, upon which sasine followed, 18th March of the same year. He had a tack of the teinds of Niddrie-Merschell, 13th Feb. 1738.‡

Andrew Wauchope married Helen, daughter of the Hon. Sir Andrew Home,

* Niddrie Charter Chest. † Ibid. ‡ Ibid.

of Kimmerghame, son of Patrick, first Earl of Marchmont. The contract of marriage is dated in 1734.* The issue of this marriage were—

1. Andrew, the heir.
2. William, mentioned in the bond of provision by Andrew Wauchope, elder and younger, in favour of Jean and Margaret Wauchope, 23d Dec. 1776; and in the Resignation and Taillie, 22d July 1778. He entered into a contract of wadset with his father, in September, 1763, by which he advanced £4000 on the lands of Frogden, &c. Of these lands he had a charter of resignation from his father, 23d Feb. 1764. The wadset was disposed by William to Henry Jones, 13th July 1771, and by this party to Mr Mackenzie, W.S., in 1771. The wadset was redeemed by Andrew Wauchope of Niddrie in 1775.†
3. John, W.S., also mentioned in the above documents. He carried on business for many years in Edinburgh.
4. Jean, mentioned in the bond of provision. She was married to Dr John Walker, Professor of Natural History in the University of Edinburgh. In 1803, a bond for an annuity was granted to them by the Laird of Niddrie.
5. Margaret, also mentioned in the bond of provision.

Andrew Wauchope gave a charter of resignation in favour of Andrew, his son, of the lands of Niddrie-Merschell, &c. in 1778.‡ The Procuratory of Resignation and Taillie is dated 22d July 1778. The entail runs in favour of “the said Andrew Wauchope, my eldest son, and the heirs male descending of his body; whom failing, to *William Wauchope*, my second son, and the heirs male descending of his body; whom failing, to *John Wauchope*, Writer to the Signet, my third son, and the heirs male descending of his body; whom failing, to the other heirs male and of taillie mentioned and described in the foresaid bond of taillie granted by the said deceased Andrew Wauchope of Niddrie Marischall, my grandfather.” The baronies of Niddrie and Lochtour constitute the entail.§

Andrew Wauchope died 22d August 1784. His lady predeceased him. In the burial vault of the family at Niddrie, a marble tablet, inscribed with a long and warm eulogium, records her death at Bath, where she had been for her health, and where she was interred, 30th Sept. 1780. She had been married 45 years, and bore 15 children. He was succeeded by—

XIII. Andrew Wauchope of Niddrie-Merschell. He was a captain in the

* Niddrie Charter Chest. † Ibid. ‡ Ibid. § Ibid.

1st regiment of dragoon guards, and fought at the well-known battle of Minden. In the ballad, composed by Sir Walter Scott, when George IV. visited Scotland in 1822, entitled, "Carle, now the King's come," he is thus alluded to—

"Come, stately Niddrie, auld and true,
Girt with the sword that *Minden* knew,
We have o'er few sic lairds as you,
Carle, now the King's come."

He had a precept furth of the Chancery for infesting him as heir to his father in the lands of Halterburnhead and Frogden, 17th October 1786. He married, 26th Sept. 1776, Alicia, daughter of William Baird, Newbyth, and sister of General Sir David Baird, Bart., by whom he had—

1. Andrew, killed at the battle of the Pyrenees, in command of the 20th foot.
2. William, who succeeded.
3. John.
4. George, merchant in Leith, of the firm of Wauchope and Moodie. He had a charter of the lands of Frogden from his father in 1811.
5. Robert.
1. Alice.
2. Helen, married to John Spottiswoode, of Spottiswoode. The contract of marriage is dated 26th Oct. 1809.
3. Jane.
4. Anne, married to the Rev. David Wauchope, of the Edmonston family.

Andrew Wauchope had sasine of the lands and barony of Niddrie-Merschell, &c., 2d March 1808; and in 1811 he resigned them in favour of himself, in life-rent, and of "Andrew Wauchope, armiger," his son, in fee, upon which sasine was given the same year. He was succeeded by his second son—

XIV. William Wauchope of Niddrie-Merschell, Lieut.-Colonel in the army. He had a special retour as heir of his brother, Andrew, who was killed at the battle of the Pyrenees in 1813, and an instrument of sasine thereon, 21st Jan. 1817. He married in that year, Elizabeth, eldest daughter of Robert Baird of Newbyth, and niece of the Marchioness of Breadalbane. The contract of marriage is dated 9th Nov. 1816. He had issue—

1. Andrew, the present Laird.
2. Hersey-Susan-Sidney, married, in 1842, to George Elliot, Capt. R.N., eldest son of the Hon. Admiral Elliot.

XV. Andrew Wauchope of Niddrie-Merschell, the present proprietor, succeeded in 1826, being then a minor. He married, 26th March, 1840, Frances-

Maria, daughter of Henry Lloyd, of Lloydsborough, Co. Tipperary, by Harriet-Amelia, his wife, youngest daughter of Sir John Craven Carden, Bart. of Templemore, and has issue :—

1. William, born in Sept. 1841.
2. Harriet-Elizabeth-Franees.
3. Andrew-Gilbert.
4. Hersey-Mary Josephine.

Mrs Wauchope died at Harrowgate, 25th June 1858.

Arms,

As matriculated in the Lord Lyon's Register, "Azure, two mollets in chief, and in base a garb or; *Crest*, a garb proper; *Motto*—'Industria ditat.'" The motto now used is "Sta Promissis." It is rather surprising that the Armorial bearings are not distinguished by *supporters*, the family being unquestionably at the head of the house of Wauehope.

The name of Wauehope was much more numerous in Mid-Lothian two centuries ago than it is now. There was a family of Wauchopes in Wester-Duddingstone about 1644, an Adam Wauchope in Nether Carloury in 1573, and numbers of them in Edinburgh and other towns in the district.

APPENDIX.

THREE are one or two papers in the charter chest at Niddrie, besides those already quoted, which may be interesting. We are not aware that the following is by any means common.

I.

OLIVER CROMWELL'S INSTRUCTIONS TO HIS SCOTS COUNCIL, 1655.

Instructions given by his Highnes with the advise of his Counsell to his Highnes Counsell in Scotland, for the government of that nation.

It being necessary for the government of Scotland and the affaires thereof, that a Counsell be established, his Highnes reposing trust in doth appointe you or you, to put in execution the said iustructious.

1. That the saids Counsell, with all speed, shall repaire into Scotland, and informe themselves of the state of the country, and consider for settling the peace, good government, and maintaining the union and interest of this commonwealth.

2. The said Couusell are to endeavour the promoting and preaching the gospell, and the power of true religion and holynes there, and take care that the vsuall mainteinance be received by such ministers and persons that pious are and welaffected to the present government, quallified with guifts for preaching, instructing the people in godlynes and honesty, and shall be approved according to au ordoure of 8 August 1654, entitlced an ordoure for support of the Vniversityes there, and that the publique schooles there be supplied with able and welaffected schoolmasters, and compettan countenance and encouragement to such.

3. That the Counsell by themselves, or such as they shall appoiute and judge fitt, when the said Counsell shall have to visitt and reforme the Vniversityes, colledges, schooles of learning there, and to suspend such statutes, ordours, customes in them as they find agreeable to the good of the people, and consistent with the government of the Commonwealth, and to consider and propose to us how the same may be supplyed for the encouragement of godlynes and learning, as also to remove such as shal be found scandalous, or not submitt to the authority of the Commonwealth and the present government, and to place in their roomes godly, learned, and fitt persons, by whom the honour of God, comfort and good of the people may be advanced.

4. The said Counsell be authorised to remove out of any corporation, office, or place of magistracy or authority there, any officers and magistrates, whom they find to be dangerous to the Commonwealth, and disaffected to the present government, and cause other fitt persons to be duly chosen according to their lawes and customes.

5. The said Connell are by the best wayes and means they can to preserve the peace of that nation, and that they may have right and justice duly administred. And to the end the vniion with Scotland may be the more effectuall, the said Counsell arc to give order that the proceedings in all courts of judicatnre, and the administration of justice there be agreeable and according to the lawes of England, as fully as the same may be done by the power and rules of the said courts, judges and officers there ; and in snch other cases, as they find the same fitt to be done, and yet cannot be effected by the power and rules aforesaid, they shall certifie the same to ns or our Counsell.

6. The said Counsell are to have especiall care and regard to the publique revenew of that nation, wherein our pleasure is that we be certified in particular what the whole revenew in Scotland belonging to the Commonwealth doth amonut unto, together with the nature thereof, the manner, tymes of payment, by or out of any forfeitures, lands, confiscations, escheats, customes, excise, or other yearly rents or profitts whatsoever ; of all which with speed they are to transmit a particular account to ns or our Counsell, and afterwards once every yeare at least, that we may vnderstand the state thereof. As also to represent from tyme to tyme to vs or our Counsell what may condnce to the improvement of it.

7. The said Connell shall use such wards for the recovery of such part of the revenew as hath been concealed as they shall think fitt, or snch as hath been delivered and made away, and whether belonging to the Croune of Scotland, or to Bishopps, Archbischopps, deanes, and chapters, or to any belonging to that hierarchy, or any other of right belonging to the Commonwealth, and improveing the whole revenew, for the best benefite and advantage of the Commonwealth, and to cause all lawes to be put in execution for the leavyng and receiving the dutyes of Custome in Scotland, and take care that the whole revnew aforesaid be leavyed, collected, and accompted for and issued forth in the way of the Exchequer of Scotland, as soon as may be conveniently.

8. The said Counsell shall consider of all wayes and meanes for lessening the publique expenses of the Commonwealth there, of what kinds soever, wherewith the revenew is charged, and offer their opinion to ns.

9. The said Counsell authorised to send for in safe custody, and committ to prison or otherwise restraine or take securely, all persons therc whom they find opposing the present government, or any way dangerous, as also to release snch as shall be by them so imprisoned and restrained at any tyme when they see cause, for the advantage of the Commonwealth, (are also anthorised to remove from their places of residence, and send into England, or such other places within the Commonwealth as they shall judge fitt, any person whose residence in that place wherc they inhabite shalbe judged dangerous to the Commonwealth and peace of the nation, and may give license to such person so removed to returne to their places of residence when they thiuk fitt.)

10. The Counsell shall with all speed consider of the reducement of civil officers employed for the publique service to snch numbers only as shalbe necessary to carry on the

serwiee, and shall make an establishment for all sallaries of judges and other officers, with respect to ease of the charge of the Commonwealth, and certifie the same to us or our Counsell; and for the space of six months from the date hereof the Counsell shall have power by warrant vnder their hands and seale to charge the receipt of the Customes in Scotland for the payment of the salaryes now payable to the judges, commissioners for sequestrations, and other officers belonging therewith, for defraying the charges of administration of justice: and the overplus of the Customes, as also the monyes arising by assessment and sequestrations in Scotland, for contingencies, accepting such of it as shalbe charged monethly towards pay of the forces in Scotland, by order from us or our Counsell, or such other persons as shalbe authorised for that purpose.

11. The said Counsell are authorised to transport or cause to be transported to any fforeigne English plantation, such of the enemies as are or shalbe in armes in that nation, as shalbe in their power.

12. The said Counsell shall take care that noe Papish or disaffected person be instructed or employed in the administration of justice, or in any office or place of trust. And that no Papist be admitted to practie as counsellor of law, attorneyes, or solicitor, or to keepe schooles.

13. The said Counsell are authorised to erect, make use of, command any presse or presses for printing proclamations, declarations, orders, books or what they shall thinke fitt for publique service, and to prohibit the use of it by persons or in cases where they see cause.

14. The said Counsell are to give all due encouragement to the trade and comerce of that nation, and to advance manufactures and fisheryes there; and consider of all wayes for the improvement of it, for the advantage of the people, and the Commonwealth, and certifie it to vs or our Counsell.

15. They shall, when and as often as they see cause, require from the Comander-in-Chiefe, and also all civill magistrates, and other persons residing and being within their power, protection, aide and assistance in the execution of these instructions, or any of them, and they are required to be ayding to the said Counsell in their places and stations respectively.

14th Aprill 55 passed.

[Certain passages are marked in the ms. from which we copy the foregoing, as if by one favourable to the Scottish national or Restoration party. The 5th article, providing for the assimilation of the laws of England and Scotland, is particularly underlined.]

II.

There is a rather unique collection of Jacobite papers, connected with 1715 and 1745—consisting of pamphlets, in French and English, letters, proclamations, &c. Most of them, however, are pretty well known to the curious in these matters. The following paper is perhaps an exception. It is a copy from an original—less correctly written—supposed to be in the hand-writing of James VIII. himself, or of some of his confidential courtiers. The ms., to be

sure, has none of the continental characteristics peculiar to the age ; but it must be recollected that the Chevalier, though resident abroad from his infancy, was carefully educated under English tutors, with a view to the British throne. Be this as it may, the paper is a well-drawn document, designed to prepare the public mind for the attempt of Prince Charles in 1745.

May 25, 1741.

I received in due time the letter or paper written by your friend in March last, with an other short paper in the same hand that accompany'd it. I have perus'd both with attention and satisfaction, and can easily remark in them a fund of experience and good sense, and affection for our country and my family. I am no way surpriz'd that my character and principles should be so little known, where neither I or my children have many occasions of declaring our sentiments. It's true we make no secret of them, but those who may be acquainted with them are but too often under a necessity of concealing what they may know on such heads. It would be a subject of just concern to me if any who profess my religion should, by their writings or discourse, have given ground to attribute ill maxims so contrair to its true principles as those mentioned in your friend's letter ; and if any of my well-wishers in generall declare, in their conversation, for arbitrary power, they are greatly against my sentiments and interest ; for as to those who are brib'd tools to support the present arbitrary government, surely nobody can consider them as my friends, whatever may be their professions. But these are inconveniencys and misfortunes for which I cannot be answerable, and to which I have but little in my power to put any remedy, while the enemies of my family make, to be sure, the most of everything that can tend to our disadvantage, and can do it without restraint. It is therefore no wonder that I should be so much misrepresented, and so little known. Were our conduct in the town of R. put in a true light, it would not a little contribute to dissipate the ill-grounded fears and jealousies of many ; and as for my sincerity in what I may promise even during my exile, I think, without having recourse to my present character, no doubt should be had on that head by any reasonable man who rightly considers the situation of my family.

We have now been more than fifty years out of our country : we have been bred up and lived in the school of adversity, unacquainted with flattery and power, which always attend princes on the throne, and especially unacquainted with certain ambitious views which are too common to them. If long experience teaches us how little we depend on foreign powers, whatever the view of present interest may have formerly [induced] or [may] hereafter induce them to undertake in our favour, our restoration no doubt would be much more agreeable both to our subjects and ourselves, were it brought about without any foreign assistance ; but should it happen that any foreign power contribute to place me on the throne, it must be visible to all thinking men, that I can neither hope to keep it nor enjoy peace and tranquility upon it but by gaining the love and affection of my subjects.

I am far from approving the mistakes of former reigns. I see and feel the effects of them, and should be void of all reflection did I not propose to avoid them with the utmost care. And therefore I do not entertain the least notion of assuming the govern-

ment on the footing my father left it. I am fully resolved to make the law the rule of my governmcnt, and absolutely disclaim any pretensions to a dispensing power.

I am sensible that the ruin and oppression with which our country is distressed, may make the greatest of the people desirous of a change at any rate, but for my part, as naturall and just as it is for me to desire that I and my family should be restored to our just rights, I am far, at my age especially, from desiring that should happen but upon an honourable and solid foundation, cemented by a mutual confidence betwixt K. and people, by which the welfare and happiness of both may [be] effectually secur'd. It is manifest that not only justice, but the interest of the nation require my restoration, because I can never have a separate interest from that of my country, nor any hopes of peace and tranquility for myself or family, but by cultivating the affections of my people, and having only in view their honour and happiness.

I am persuaded there are many persons of great talents and merit, who would be of that opinion were my true sentiments and dispositions known to them, tho' they are not at this time look'd on as well-wishers to my cause. Neither can I wonder they should have prejudices against me. They have been bred up in them from their youth, and constantly confirmed in them by all the artifices imaginable; but I hope the time is not far distant in which they [will] see things in a true light; and if they lay aside all unjust prejudices against me, and lay as much to heart as I do the prosperity and happiness of our country, I make no doubt we shall be entirely satisfy'd with one another.

It is fitt your friend should know that I have by me a draught of a declaration, which there never hath been an occasion to publish. This declaration was drawn up in consequence of the sentiments expresst in this letter.

It contains a generall indemnity, with[out] exception, for all that hath pass'd against me and my family—a solemn declaration to maintain the Church of England, as by law established, in all her rights, priviledges, and immunities whatsoever. And as I am utterly averse to all animosities on account of religion, it also contains a promise to grant and allow a toleration to all Protestant dissenters. I also express in it an utter aversion to the suspending the Habeas Corpus Act, as well as to the loading of my subjects with unnecessary taxes, or raising of any in a manner burdensome to them; and especially to the introducing of forreign excise, and all such methods as may have hitherto been devis'd and pursued to acquire arbitrary power at the expense of the liberty and property of the subject: and, besides, there is a generall article of my readiness to settle all that may relate to the welfare and happiness of the natiou, both in civil and ecclesiastical matters, by the sincere advice and concurrence of a free Parliament.

In fine, were I known, and were justice done to my sentiments, it would, I'm convinc'd, make many alter their way of thinking, and induce them to concur heartily in measures for my reign, as the most effectual manner to restore happiness and peace to our country. I thank God I am without resentment against any body. I shall never make any other distinction among my subjects, but such as true merit and faithfull services may authorise and require. I have ever the greatest abhorrence of all dissimulation, and will certainly never promise anything during my exile but what I shall perform after my restoration.

III.

The romantic and perilous undertaking of Prince Charles Edward in 1745, called forth many an effusion of the muse. We are not sure if the following is at all common :—

VERS SUR LE DEPART DU PRINCE.

C'en est donc fait, le sort contraire
 Prince ! t'arrache de nos bras,
 Tu pars, nne tête si chère,
 N'illustrera plus ees climats ;
 C'est en vain qu'un grand Roy qui t'ainne,
 Parmi nous t'eut voulu fixer,
 De son devoir la voix supreme,
 Lui defendoit de ballancer ;
 Il a du, vainqueur de lui même,
 A l'intérêt de ses sujets,
 Immoler ses tendres regrets.
 O loi dure, mais nécessaire !
 O perte qui nous désespère !
 Cher Edouard ! si nos douleurs,
 Nos plaintes, nos vœux, notre zèle
 A ton infortune eruelle,
 Peuvent mêler quelques douceurs
 Sois le témoin de nos alarmes,
 Sur nos fronts pales, abattues,
 Cueille le prix de tes vertues,
 Vois nos yeux arrosés de larmes *T/*
 Le triste olivier de la paix,
 Ecoute nos voix gemissantes,
 Regretter les palmes sanguinaires,
 Dont Mars courronnoit les François,
 Mais ee n'est qu'une âme commune,
 Qu'abattent les coups de destin.
 Sur les faveurs de la fortune
 Tu portas un regard serein.
 Vois de même sou injustice,
 Montre toi par un fier dedain,
 Supérieur à son caprice,
 Que manque-t-il à ta vertue ?
 Il n'est point d'éclat dont la gloire,
 Grand Prince ! ne t'ait revêtu ;
 Ton nom au temple de mémoire,
 Du temps bravera la fureur,
 Si tu n'as pas une couronne,
 L'univers entier te la donne,
 Ton empire est dans tous les cœurs.



